



# Journal of the Senate

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## CONTENTS

Bills on Third Reading . . . . .	338
Call to Order . . . . .	338
Co-Introducers . . . . .	348
Committee Substitutes, First Reading . . . . .	345
Motion . . . . .	344
Motions Relating to Committee Meetings . . . . .	344
Motions Relating to Committee Reference . . . . .	344
Reports of Committees . . . . .	344
Special Guests . . . . .	341, 344
Special Order Calendar . . . . .	339

## CALL TO ORDER

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

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

Excused: Senators Bullard and Rich

## PRAYER

The following prayer was offered by the Rev. Lupton P. Abshire, Rector, St. John’s Episcopal Church, Tallahassee:

O Eternal Lord God, from whom alone comes true wisdom and understanding; mutual consideration and compassion; strength and quiet confidence. We beseech you to direct aright the minds, hearts, and wills of these Senators and fellow Floridians gathered here today who are about to take counsel together on matters pertaining to the common life of our great State of Florida; that in all their deliberations and decisions they may faithfully discharge the duties of their office, and ever promote the health, the safety, and the well-being of all those whom they seek to serve.

Keep them ever mindful of the aged and infirmed, the widowed and orphans, the sick and suffering, the poor and oppressed, the unemployed and the destitute, prisoners and captives, and all those who remember and care for them; in all this, we pray, for your love’s sake. Amen.

## PLEDGE

Senate Pages Alexander “Alex” Merrill of Osprey; Catherine G. Sheets of Lakeland; and Tayler Morgen Uselton of Palmetto, led the Senate in the pledge of allegiance to the flag of the United States of America.

## BILLS ON THIRD READING

**SJR 2**—A joint resolution proposing an amendment to Section 1 of Article IX and the creation of Section 31 of Article XII of the State Constitution to revise class size requirements for public schools and to provide an effective date.

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

That the following amendment to Section 1 of Article IX and the creation of Section 31 of Article XII of the State Constitution are agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

### ARTICLE IX

### EDUCATION

#### SECTION 1. Public education.—

(a) The education of children is a fundamental value of the people of the State of Florida. It is, therefore, a paramount duty of the state to make adequate provision for the education of all children residing within its borders. Adequate provision shall be made by law for a uniform, efficient, safe, secure, and high quality system of free public schools that allows students to obtain a high quality education and for the establishment, maintenance, and operation of institutions of higher learning and other public education programs that the needs of the people may require. To assure that children attending public schools obtain a high quality education, the legislature shall make adequate provision to ensure that, by the beginning of the 2010-2011 ~~2010~~ school year *and for each school year thereafter*, there are a sufficient number of classrooms so that:

(1) *Within each public school, the average ~~maximum~~ number of students ~~who are~~ assigned per class to each teacher who is teaching ~~in public school classrooms~~ for prekindergarten through grade 3 does not exceed 18 students and the maximum number of students assigned to each teacher in an individual classroom does not exceed 21 students;*

(2) *Within each public school, the average ~~maximum~~ number of students ~~who are~~ assigned per class to each teacher who is teaching ~~in public school classrooms~~ for grades 4 through 8 does not exceed 22 students and the maximum number of students assigned to each teacher in an individual classroom does not exceed 27 students; and*

(3) *Within each public school, the average ~~maximum~~ number of students ~~who are~~ assigned per class to each teacher who is teaching ~~in public school classrooms~~ for grades 9 through 12 does not exceed 25 students and the maximum number of students assigned to each teacher in an individual classroom does not exceed 30 students.*

The class size requirements of this subsection do not apply to extra-curricular or virtual classes. Payment of the costs associated with ~~meeting~~ ~~reducing class size to meet~~ these requirements is the responsibility of the state and not of local school ~~schools~~ districts. ~~Beginning with the 2003-2004 fiscal year, The legislature shall provide sufficient funds to maintain~~ ~~reduce~~ the average number of students ~~required by~~ ~~in each classroom by at least two students per year until the maximum number of students per classroom does not exceed the requirements of this subsection.~~

(b) Every four-year old child in Florida shall be provided by the State a high quality ~~prekindergarten~~ ~~pre-kindergarten~~ learning opportunity in the form of an early childhood development and education program

which shall be voluntary, high quality, free, and delivered according to professionally accepted standards. An early childhood development and education program means an organized program designed to address and enhance each child's ability to make age appropriate progress in an appropriate range of settings in the development of language and cognitive capabilities and emotional, social, regulatory, and moral capacities through education in basic skills and such other skills as the Legislature may determine to be appropriate.

(c) The early childhood education and development programs provided by reason of *subsection* ~~subparagraph~~ (b) shall be implemented no later than the beginning of the 2005 school year through funds generated in addition to those used for existing education, health, and development programs. Existing education, health, and development programs are those funded by the State as of January 1, 2002, that provided for child or adult education, health care, or development.

ARTICLE XII

SCHEDULE

*SECTION 31. Class size requirements for public schools.—The amendment to Section 1 of Article IX, relating to class size requirements for public schools, and this section shall take effect upon approval by the electors and shall operate retroactively to the beginning of the 2010-2011 school year.*

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

CONSTITUTIONAL AMENDMENT

ARTICLE IX, SECTION 1

ARTICLE XII, SECTION 31

REVISION OF THE CLASS SIZE REQUIREMENTS FOR PUBLIC SCHOOLS.—The Florida Constitution currently limits the maximum number of students assigned to each teacher in public school classrooms in the following grade groupings: for prekindergarten through grade 3, 18 students; for grades 4 through 8, 22 students; and for grades 9 through 12, 25 students. Under this amendment, the current limits on the maximum number of students assigned to each teacher in public school classrooms would become limits on the average number of students assigned per class to each teacher, by specified grade grouping, in each public school. This amendment also adopts new limits on the maximum number of students assigned to each teacher in an individual classroom as follows: for prekindergarten through grade 3, 21 students; for grades 4 through 8, 27 students; and for grades 9 through 12, 30 students. This amendment specifies that class size limits do not apply to virtual classes, requires the Legislature to provide sufficient funds to maintain the average number of students required by this amendment, and schedules these revisions to take effect upon approval by the electors of this state and to operate retroactively to the beginning of the 2010-2011 school year.

—was read the third time in full.

On motion by Senator Gaetz, **SJR 2** was passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—26

Mr. President	Diaz de la Portilla	Negron
Alexander	Dockery	Oelrich
Altman	Fasano	Peaden
Baker	Gaetz	Richter
Bennett	Garcia	Ring
Constantine	Gardiner	Storms
Crist	Haridopolos	Thrasher
Dean	Jones	Wise
Detert	Lynn	

Nays—12

Aronberg	Deutch	Gelber
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Hill	Lawson	Sobel
Joyner	Siplin	Villalobos
Justice	Smith	Wilson

**CS for CS for SB 850**—A bill to be entitled An act relating to the Florida Industrial and Phosphate Research Institute; transferring, renumbering, and amending s. 378.101, F.S.; renaming the Florida Institute of Phosphate Research as the “Florida Industrial and Phosphate Research Institute” and establishing it within the University of South Florida Polytechnic; creating the Phosphate Research and Activities Board; providing duties, membership, and terms for the board; providing for an executive director of the institute; providing duties for the executive director; providing duties and authorized activities for the institute; amending s. 211.31, F.S.; conforming a cross-reference; providing for a type two transfer of the Florida Institute of Phosphate Research to the Florida Industrial and Phosphate Research Institute within the University of South Florida Polytechnic; repealing s. 378.102, F.S., relating to the Florida Institute of Phosphate Research; providing an effective date.

—was read the third time by title.

On motion by Senator Alexander, **CS for CS for SB 850** was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

**SPECIAL ORDER CALENDAR**

**CS for SB 712**—A bill to be entitled An act relating to contingency fee agreements between the Department of Legal Affairs and private attorneys; creating s. 16.0155, F.S.; providing definitions; prohibiting the Department of Legal Affairs of the Office of the Attorney General from entering into a contingency fee contract with a private attorney unless the Attorney General makes a written determination prior to entering into such a contract that contingency fee representation is both cost-effective and in the public interest; requiring that such written determination include certain findings; requiring that the Attorney General, upon making his or her written determination, request proposals from private attorneys to represent the department on a contingency-fee basis unless the Attorney General determines in writing that requesting such proposals is not feasible under the circumstances; providing that the written determination does not constitute a final agency action that is subject to review; providing that the request for proposals and contract award are not subject to challenge under the Administrative Procedure Act; requiring that a private attorney maintain detailed contemporaneous time records with regard to work performed on the matter by any attorneys or paralegals assigned to the matter in specified increments; requiring that a private attorney provide such record to the department upon request; limiting the amount of a contingency fee that may be paid to a private attorney pursuant to a contract with the department; requiring that copies of any executed contingency fee contract and the Attorney General's written determination to enter into such contract be posted on the department's website within a specified period after the date on which the contract is executed; requiring that such information remain posted on the website for a specified duration; requiring that any payment of contingency fees be posted on the department's website within a specified period after the date on which payment

of such contingency fees is made to the private attorney; requiring that such information remain posted on the website for a specified duration; requiring that the Attorney General report to the Legislature on the use of contingency fee contracts with private attorneys; providing an effective date.

—was read the second time by title.

Senator Gelber moved the following amendment which failed:

**Amendment 1 (631236) (with title amendment)**—Between lines 122 and 123 insert:

*(7) Notwithstanding any other provision of this section or any other law, the Attorney General may not enter into a contingency fee contract with a private attorney, or any other contract with a private attorney, if the purpose of such contract is to provide legal representation in, or legal support for, litigation challenging the constitutionality of federal health care reform legislation providing qualifying health care coverage for individuals. The Attorney General must rescind, within the terms of the contract, any current contract executed on or before July 1, 2010, for the purposes proscribed by this subsection.*

(Redesignate subsequent subsection(s).)

And the title is amended as follows:

Delete line 43 and insert: website for a specified duration; prohibiting the Attorney General from entering into a contingency-fee or other contract with a private attorney as part of litigation challenging federal health care legislation; requiring the Attorney General to rescind certain contracts; requiring that the

The vote was:

Yeas—12

Aronberg	Joyner	Siplin
Deutch	Justice	Smith
Gelber	Lawson	Sobel
Hill	Ring	Wilson

Nays—24

Mr. President	Detert	Lynn
Alexander	Diaz de la Portilla	Negron
Altman	Dockery	Oelrich
Baker	Gaetz	Peaden
Bennett	Garcia	Richter
Constantine	Gardiner	Storms
Crist	Haridopolos	Thrasher
Dean	Jones	Wise

Pending further consideration of **CS for SB 712**, on motion by Senator Thrasher, by two-thirds vote **CS for HB 437** was withdrawn from the Committee on Judiciary.

On motion by Senator Thrasher—

**CS for HB 437**—A bill to be entitled An act relating to contingency fee agreements between the Department of Legal Affairs and private attorneys; creating s. 16.0155, F.S.; providing definitions; prohibiting the Department of Legal Affairs of the Office of the Attorney General from entering into a contingency fee contract with a private attorney unless the Attorney General makes a written determination prior to entering into such a contract that contingency fee representation is both cost-effective and in the public interest; requiring that such written determination include certain findings; requiring that the Attorney General, upon making his or her written determination, request proposals from private attorneys to represent the department on a contingency-fee basis unless the Attorney General determines in writing that requesting such proposals is not feasible under the circumstances; providing that the written determination does not constitute a final agency action that is subject to review; providing that the request for proposals and contract award are not subject to challenge under the Administrative Procedure Act; requiring that a private attorney maintain detailed contemporaneous time records with regard to work performed on the matter

by any attorneys or paralegals assigned to the matter in specified increments; requiring that a private attorney provide such record to the department upon request; limiting the amount of a contingency fee that may be paid to a private attorney pursuant to a contract with the department; requiring that copies of any executed contingency fee contract and the Attorney General's written determination to enter into such contract be posted on the department's website within a specified period after the date on which the contract is executed; requiring that such information remain posted on the website for a specified duration; requiring that any payment of contingency fees be posted on the department's website within a specified period after the date on which payment of such contingency fees is made to the private attorney; requiring that such information remain posted on the website for a specified duration; requiring that the Attorney General report to the Legislature on the use of contingency fee contracts with private attorneys; providing an effective date.

—a companion measure, was substituted for **CS for SB 712** and read the second time by title.

On motion by Senator Thrasher, by two-thirds vote **CS for HB 437** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—27

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

Nays—11

Aronberg	Joyner	Sobel
Deutch	Justice	Villalobos
Gelber	Ring	Wilson
Hill	Smith	

On motion by Senator Gardiner, by two-thirds vote **HB 689** was withdrawn from the Committee on Judiciary.

On motion by Senator Gardiner—

**HB 689**—A bill to be entitled An act relating to negligence; creating s. 768.0755, F.S.; providing that if a person slips and falls on a transitory foreign substance in a business establishment, the injured person must prove that the business establishment had actual or constructive knowledge of the condition and should have taken action to remedy it; providing that constructive knowledge may be proven by circumstantial evidence; providing that such provisions do not affect any common-law duty of care owed by a person or entity in possession or control of a business premises; repealing s. 768.0710, F.S., relating to the duty to maintain premises and the burden of proof in claims of negligence involving transitory foreign objects or substances; providing an effective date.

—a companion measure, was substituted for **CS for SB 1224** and read the second time by title.

On motion by Senator Gardiner, by two-thirds vote **HB 689** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

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

Gardiner	Oelrich	Storms	Constantine	Gelber	Richter
Haridopolos	Peaden	Thrasher	Crist	Haridopolos	Ring
Jones	Richter	Villalobos	Dean	Hill	Siplin
Lawson	Siplin	Wilson	Detert	Jones	Smith
Lynn	Smith	Wise	Deutch	Joyner	Sobel
Negron	Sobel		Diaz de la Portilla	Justice	Storms
Nays—5			Dockery	Lawson	Thrasher
			Fasano	Lynn	Villalobos
Gelber	Joyner	Ring	Gaetz	Negron	Wilson
Hill	Justice		Garcia	Oelrich	Wise
			Gardiner	Peaden	

Nays—None

**SPECIAL GUEST**

Senator Wilson introduced former Representative Cynthia Moore Chestnut who was present in the gallery.

**CS for SB 2060**—A bill to be entitled An act relating to sovereign immunity; amending s. 768.28, F.S.; increasing the statutory limits on liability for tort claims against the state and its agencies and subdivisions; providing for application of the act to claims arising on or after the effective date; providing an effective date.

—was read the second time by title. On motion by Senator Bennett, by two-thirds vote **CS for SB 2060** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

**CS for SB 2440**—A bill to be entitled An act relating to liability releases; amending s. 549.09, F.S.; redefining the term “nonspectators” to include a minor on whose behalf a natural guardian has signed a motorsport liability release; providing that a motorsport liability release signed by a natural guardian on behalf of a minor participating in a sanctioned motorsports event is valid to the same extent as for other nonspectators; limiting the validity of a waiver or release signed by a natural guardian on behalf of a minor participating in an activity at a closed-course motorsport facility other than a sanctioned motorsports event; amending s. 744.301, F.S.; authorizing natural guardians to waive, in advance, claims for injuries arising from risks inherent in a commercial activity; defining the term “inherent risk”; providing a statement that must be included in the waiver; creating a rebuttable presumption that a waiver is valid and that the injury arose from the inherent risk; providing the requirements and standard of evidence for overcoming the presumption; authorizing natural guardians to waive, in advance, any claim against a noncommercial provider to the extent allowed by common law; providing an effective date.

—was read the second time by title. On motion by Senator Bennett, by two-thirds vote **CS for SB 2440** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Altman	Baker
Alexander	Aronberg	Bennett

**CS for SB 1752**—A bill to be entitled An act relating to economic development; amending s. 125.045, F.S.; requiring an agency or entity that receives county funds for economic development purposes pursuant to a contract to submit a report on the use of the funds; requiring the county to include the report in its annual financial audit; requiring counties to report on the provision of economic development incentives to businesses to the Legislative Committee on Intergovernmental Relations; amending s. 159.803, F.S.; conforming a cross-reference to changes made by the act; amending s. 166.021, F.S.; requiring an agency or entity that receives municipal funds for economic development purposes pursuant to a contract to submit a report on the use of the funds; requiring the municipality to include the report in its annual financial audit; requiring municipalities to report on the provision of economic development incentives to businesses to the Legislative Committee on Intergovernmental Affairs; amending s. 212.05, F.S.; limiting the maximum amount of tax that may be imposed and collected on the sale or use of a boat in this state; amending s. 212.08, F.S.; temporarily exempting from sales and use taxes the increase in purchases of certain industrial machinery and equipment over the amount of purchases made in a base year; redefining the terms “real property” and “rehabilitation of real property” for purposes of the sales tax exemption on certain building materials used in the rehabilitation of real property used in an enterprise zone; specifying procedures to claim a sales tax credit under the entertainment industry financial incentive program; providing an exemption from the use tax for an aircraft that temporarily enters the state or is temporarily in the state for certain purposes; requiring documentation that identifies the aircraft in order to qualify for the exemption; providing that the exemption is in addition to certain other exemptions; amending s. 213.053, F.S.; authorizing the Department of Revenue to provide confidential taxpayer information relating to certain tax credits under the entertainment industry financial incentive program to the Office of Film and Entertainment and to the Office of Tourism, Trade, and Economic Development; amending s. 220.02, F.S.; providing for tax credits pursuant to the entertainment industry financial incentive program and the jobs for the unemployed tax credit program to be taken against the corporate income tax or the franchise tax after other existing credits are taken; creating s. 220.1896, F.S.; creating the jobs for the unemployed tax credit program to provide a tax credit to certain businesses that employ certain individuals who were previously unemployed after a certain date; providing for applications for certification under the program to be reviewed by Enterprise Florida, Inc., and the Office of Tourism, Trade, and Economic Development; providing criminal penalties for fraudulent claims of a tax credit; authorizing the Office of Tourism, Trade, and Economic Development and the Department of Revenue to adopt rules; providing for the expiration of the tax credit program; creating s. 220.1899, F.S.; creating the entertainment industry tax credit for a tax credit against the qualified expenditures made by a qualified production company pursuant to the entertainment industry financial incentive program; amending s. 220.191, F.S.; redefining the terms “qualifying business” and “qualifying project” for purposes of the capital investment tax credit; providing for the amount of the credit to diminish over a 10-year period; conforming cross-references to changes made in the act; providing that a business seeking the tax credit has the responsibility of demonstrating qualification for the credit to the Department of Revenue and the Office of Tourism, Trade, and Economic Development; authorizing the payment of a prorated tax credit under certain circumstances; providing that a business that receives a capital investment tax credit is not eligible for a tax refund under the qualified target industry tax refund program; amending s. 288.095, F.S.; increasing the amount of tax refund payments available to pay the state’s share of refunds under the qualified

defense contractor and space flight business tax refund program and the tax refund program for qualified target industry businesses; amending s. 288.106, F.S.; providing legislative findings and declarations for the tax refund program for qualified target industry businesses; revising the definitions of terms applicable to the program; revising the criteria for the Office of Tourism, Trade, and Economic Development and Enterprise Florida, Inc., to use in identifying target industry businesses; conforming cross-references to changes made by the act; authorizing additional tax refunds to qualified target industry businesses that meet specified conditions; requiring an application for certification as a qualified target industry business to include an estimate of the proportion of the machinery, equipment, and other resources that will be used in the applicant's proposed operation in Florida and purchased by the applicant outside the state; requiring the Office of Tourism, Trade, and Economic Development to consider the state's return on investment in evaluating applicants for the tax refund program; extending the date by which a qualified target industry business may request an economic-stimulus exemption; redesignating economic-stimulus exemptions as economic recovery extensions; authorizing the Office of Tourism, Trade, and Economic Development to waive the requirement for a business to annually provide proof of taxes paid if the business provides proof that it has paid certain taxes in amounts at least equal to the total amount of refunds for which the business is eligible; requiring the Office of Tourism, Trade, and Economic Development to conduct a review of certain qualified target industry businesses that have received their final tax refund and provide a report of its findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives; extending the date by which businesses may apply to participate in the tax refund program for qualified target industry businesses; amending s. 288.107, F.S.; conforming cross-references to changes made by the act; amending s. 288.125, F.S.; redefining the term "entertainment industry" to include digital media projects; amending s. 288.1251, F.S.; requiring the Office of Film and Entertainment to update its strategic plan every 5 years; deleting requirements for the Office of Film and Entertainment to represent certain decisionmakers within the entertainment industry and to act as a liaison between entertainment industry producers and labor organizations; amending s. 288.1252, F.S.; deleting obsolete provisions; deleting the requirement for the Commissioner of Film and Entertainment and a representative of the Florida Tourism Marketing Council to serve as ex officio members of the Film and Entertainment Advisory Council; amending s. 288.1253, F.S.; eliminating provisions authorizing the payment of travel expenses to persons other than employees of the Office of Film and Entertainment, the Governor and Lieutenant Governor, and security staff; providing for the payment of travel expenses through reimbursements; amending s. 288.1254, F.S.; revising the entertainment industry financial incentive program to provide corporate income tax and sales and use tax credits to qualified entertainment entities rather than reimbursements from appropriations; revising provisions relating to definitions, creation, and scope, application procedures, approval process, eligibility, required documents, qualified and certified productions, and annual reports; providing duties and responsibilities of the Office of Film and Entertainment, the Office of Tourism, Trade, and Economic Development, and the Department of Revenue relating to the tax credits; providing criteria and limitations for awards of tax credits; providing for uses, allocations, election, distributions, and carryforward of the tax credits; providing for withdrawal of tax credit eligibility; providing for use of consolidated returns; providing for partnership and noncorporate distributions of tax credits; providing for succession of tax credits; providing requirements for transfer of tax credits; authorizing the Office of Tourism, Trade, and Economic Development to adopt rules, policies, and procedures; authorizing the Department of Revenue to adopt rules and conduct audits; providing for revocation and forfeiture of tax credits; providing liability for reimbursement of certain costs and fees associated with a fraudulent claim; requiring an annual report to the Governor and the Legislature; providing for future repeal; amending s. 288.1258, F.S.; requiring the Office of Film and Entertainment to include in its records certain ratios of tax exemptions and incentives to the estimated funds expended by a certified production; creating s. 288.9552, F.S.; creating the Research Commercialization Matching Grant Program to provide grants to certain small companies; designating the Florida Institute for the Commercialization of Public Research to serve as the administrator of the program; specifying criteria to determine eligibility for a grant; limiting the maximum amount of an award; requiring the institute to issue an annual report relating to the grant program to the Governor, the President of the Senate, and the Speaker of the House of Representatives; amending s. 290.00677, F.S.; conforming cross-references

to changes made by the act; amending s. 373.4141, F.S.; providing legislative intent to expedite the processing of permits; deleting provisions relating to a requirement that the Department of Environmental Protection and a water management district request additional information needed from an applicant within 30 days after receipt of the application; requiring an application for certain permits, including certain permits from a local government, to be approved or denied within 30 days; amending s. 373.441, F.S.; requiring the Department of Environmental Protection to adopt rules that authorize a local government to petition the Governor and Cabinet for certain delegation requests; requiring the Department of Environmental Protection detail the statutes or rules that were not satisfied by a local government that made a request for delegation and to detail actions that could be taken to allow for delegation; authorizing a local government to petition the Governor and Cabinet to review the denial of a delegation request; requiring certain counties and municipalities to apply for delegation by a certain date to require permits similar to an environmental resource permit; amending s. 403.061, F.S.; directing the Department of Environmental Protection to expand the use of online self-certification for certain exemptions and permits; limiting the authority of a local government the method or form for documenting that a project qualifies for an exemption or meets the requirements for a permit; amending s. 403.814, F.S.; granting a general permit for the construction and maintenance of certain surface water management systems that satisfy specified conditions; requiring the Office of Program Policy Analysis and Government Accountability to review the Enterprise Zone Program and submit a report of its findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives; authorizing the funds in specific appropriation 2649 of chapter 2008-152, Laws of Florida, to be used for additional space-related economic-development purposes; providing an appropriation to the Office of Tourism, Trade, and Economic Development to fund the operations of Space Florida; providing an appropriation to the Space Business Investment and Financial Services Trust Fund to carry out the purposes of the trust fund; providing an appropriation to the Office of Tourism, Trade, and Economic Development to enable Space Florida to provide targeted business-development support services and business recruitment; providing an appropriation to the Office of Tourism, Trade, and Economic Development for Space Florida to retrain workers in the space industry; requiring all state agencies owning or operating state-owned real property to submit inventory data to the Department of Environmental Protection by a specified date; requiring the Department of Environmental Protection to submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a report that lists state-owned real property recommended for disposition; providing that the proceeds of the sale of surplus real property be deposited in the General Revenue Fund to be used for certain specified purposes; requiring the Office of Program Policy Analysis and Government Accountability to review and evaluate the Research Commercialization Matching Grant Program and submit a report of its findings to the Governor, the President of the Senate, and the Speaker of the House of Representatives; limiting the effect of a ruling by a court which invalidates any portion of chapter 2009-96, Laws of Florida; validating certain development exemptions and extensions, amendments to a local comprehensive plan, and land development regulations made or granted under chapter 2009-96, Laws of Florida; extending the expiration dates of certain permits issued by the Department of Environmental Protection or a water management district; extending certain previously granted build-out dates; amending s. 47 of chapter 2009-82, Laws of Florida; delaying the expiration of the Florida Homebuyer Opportunity Program; requiring that construction contracts funded by state funds contain a provision requiring the contractor to give preference to the employment of Florida residents if they have substantially equal qualifications as nonresidents; defining the term "substantially equal qualifications"; requiring that a contractor post employment needs in the state's job bank system; providing an appropriation to the Florida Institute for the Commercialization of Public Research to fund grants under the Research Commercialization Matching Grant Program; conditionally specifying the use of an appropriation to the Board of Governors of the State University System to fund proposals under the State University Research Commercialization Assistance Grant Program; providing an appropriation for the Florida Export Finance Corporation to capitalize an expansion of its existing loan program for exporters; providing a finding that the act fulfills an important state interest; providing for severability; providing effective dates.

—was read the second time by title.

SENATOR FASANO PRESIDING

Senator Gaetz moved the following amendments which were adopted:

**Amendment 1 (126588)**—Delete line 3084 and insert: *with a third party. Not more than 5 percent of a legislative*

**Amendment 2 (517518) (with title amendment)**—Delete lines 3144-3180.

And the title is amended as follows:

Delete lines 190-199 and insert: *act; amending s. 373.441, F.S.; requiring the*

Senator Storms moved the following amendments which were adopted:

**Amendment 3 (425234) (with title amendment)**—Delete lines 3185-3197 and insert:

(1) The department ~~in consultation with the water management districts~~ shall, by December 1, 1994, adopt rules to guide the participation of counties, municipalities, and local pollution control programs in an efficient, streamlined permitting system. Such rules ~~must~~ *shall* seek to increase governmental efficiency, ~~shall~~ *shall* maintain environmental standards, and ~~shall~~ *shall* include consideration of ~~the following:~~

(a) Provisions under which the environmental resource permit program ~~are~~ *shall be* delegated, upon approval of the department ~~and the appropriate water management districts, only~~ to a county, municipality, or local pollution control program ~~that which~~ has the financial, technical, and administrative capabilities and desire to implement and enforce the program;

And the title is amended as follows:

Delete line 199 and insert: *days; amending s. 373.441, F.S.; revising provisions relating to adoption of rules relating to permitting; requiring the*

**Amendment 4 (115080) (with title amendment)**—Delete lines 3239-3246 and insert:

(3) *Delegation of authority shall be approved if the local government meets the requirements set forth in rule 62-344, Florida Administrative Code. This section does not require a local government to seek delegation of the environmental resource permit program.*

And the title is amended as follows:

Delete lines 209-212 and insert: *review the denial of a delegation request; providing that a delegation of authority must be approved if it meets certain rule requirements; amending*

Senator Bennett moved the following amendment which was adopted:

**Amendment 5 (583642) (with title amendment)**—Delete lines 3277-3318.

And the title is amended as follows:

Delete lines 219-222 and insert: *for a permit; requiring the Office of Program*

Senator Altman moved the following amendment which was adopted:

**Amendment 6 (929798)**—Delete lines 3343-3346 and insert: *facilities; to advance aerospace technology to meet the current and future needs of the United States commercial space transportation industry; and to assist in the development of joint-use facilities and technology that support aviation and aerospace operations, including high-altitude and suborbital flights and range technology development.*

Senator Bennett moved the following amendment which was adopted:

**Amendment 7 (398432) (with title amendment)**—Delete lines 3413-3434 and insert:

Section 32. *The Legislature hereby reauthorizes the following:*

(1) *Any exemption granted for any project for which an application for development approval has been approved or filed pursuant to s. 380.06, Florida Statutes, or for which a complete development application or rescission request has been approved or is pending, and the application or rescission process is continuing in good faith, within a development that is located within an area that qualified for an exemption under s. 380.06, Florida Statutes, as amended by chapter 2009-96, Laws of Florida.*

(2) *Any 2-year extension authorized and timely applied for pursuant to section 14 of chapter 2009-96, Laws of Florida.*

(3) *Any amendment to a local comprehensive plan adopted pursuant to s. 163.3184, Florida Statutes, as amended by chapter 2009-96, Laws of Florida, which authorizes and implements a transportation concurrency exception area pursuant to s. 163.3180, Florida Statutes, as amended by chapter 2009-96, Laws of Florida.*

(4) *This section is intended to be remedial in nature and to reenact provisions of existing law. This act shall apply retroactively to all actions addressed in this section and therefore to any such actions pending as of the effective date of this act.*

And the title is amended as follows:

Delete lines 259-264 and insert: *reauthorizing certain exemptions, 2-year extensions, and local comprehensive plan amendments granted, authorized, or adopted in accordance with Chapter 2009-96, Laws of Florida; extending the*

Senator Gelber moved the following amendment which failed:

**Amendment 8 (962796) (with title amendment)**—Between lines 3610 and 3611 insert:

Section 40. *Implementation of the tax credits and tax refunds provided under this act is contingent upon the repeal of ss. 212.08(7)(y), 212.05(1)(g), and 212.08(4)(a)(1), Florida Statutes.*

And the title is amended as follows:

Delete line 289 and insert: *interest; providing that the implementation of any tax credits or refunds under the act is contingent on the repeal of certain statutes; providing for severability; providing*

MOTION

On motion by Senator Gelber, by the required two-thirds vote, consideration of the following amendment was allowed:

Senator Gelber moved the following amendment which was adopted:

**Amendment 9 (352894)**—Delete line 1036 and insert: *after January 1, 2009, or who signs an affidavit stating that he or she has been unemployed but has not been determined eligible for unemployment compensation benefits during a benefit year beginning on or after that date.*

On motion by Senator Gaetz, by two-thirds vote **CS for SB 1752** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

## THE PRESIDENT PRESIDING

MOTIONS RELATING TO  
COMMITTEE REFERENCE

On motion by Senator Fasano, by two-thirds vote **SB 1710** was withdrawn from the committees of reference and further consideration.

## SPECIAL GUEST

Senator Sobel introduced former Representative Roger B. Wishner who was present in the gallery.

## MOTION

On motion by Senator Alexander, the rules were waived and the amendment deadlines and policies included in the memorandum distributed by the Policy and Steering Committee on Ways and Means for consideration of the proposed appropriations bill, **SB 2700**; and implementing bill, **SB 2702**, were adopted.

MOTIONS RELATING TO  
COMMITTEE MEETINGS

On motion by Senator Villalobos, the rules were waived and the Committees on Children, Families, and Elder Affairs; Criminal Justice; Health Regulation; Higher Education; and Judiciary were granted permission to meet from 8:00 a.m. until 10:30 a.m. in lieu of 10:15 a.m. until 12:30 p.m.; and the Policy and Steering Committee on Ways and Means was granted permission to meet from 10:45 a.m. until 6:00 p.m. in lieu of 1:00 p.m. until 6:00 p.m. as scheduled March 26.

## REPORTS OF COMMITTEES

The Policy and Steering Committee on Social Responsibility submits the following bills to be placed on the Special Order Calendar for Thursday, March 25, 2010: CS for SB 712, CS for SB 1224, CS for SB 2060, CS for SB 2440.

Respectfully submitted,  
*Don Gaetz*, Chair

The Policy and Steering Committee on Ways and Means submits the following bill to be placed on the Special Order Calendar for Thursday, March 25, 2010: CS for SB 1752.

Respectfully submitted,  
*JD Alexander*, Chair

The Committee on Banking and Insurance recommends the following pass: SB 1364

**The bill was referred to the Committee on Commerce under the original reference.**

The Committee on Transportation recommends the following pass: SB 244

**The bill was referred to the Committee on Communications, Energy, and Public Utilities under the original reference.**

The Committee on Transportation recommends the following pass: SB 2470

**The bill was referred to the Committee on Community Affairs under the original reference.**

The Committee on Transportation recommends the following pass: SB 1082

**The bill was referred to the Committee on Criminal Justice under the original reference.**

The Committee on Banking and Insurance recommends the following pass: SB 2084

The Committee on Transportation recommends the following pass: SB 2036 with 1 amendment

**The bills contained in the foregoing reports were referred to the Committee on Finance and Tax under the original reference.**

The Committee on Banking and Insurance recommends the following pass: SB 2190

**The bill was referred to the Committee on Regulated Industries under the original reference.**

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 2548

**The bill with committee substitute attached was referred to the Committee on Commerce under the original reference.**

The Committee on Transportation recommends committee substitutes for the following: SB 324; SB 448

**The bills with committee substitute attached were referred to the Committee on Communications, Energy, and Public Utilities under the original reference.**

The Committee on Environmental Preservation and Conservation recommends committee substitutes for the following: CS for SB 2000; SB 2354

The Committee on Regulated Industries recommends a committee substitute for the following: SB 846

**The bills with committee substitute attached contained in the foregoing reports were referred to the Committee on Community Affairs under the original reference.**

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 876

The Committee on Environmental Preservation and Conservation recommends a committee substitute for the following: SB 544

The Committee on Regulated Industries recommends a committee substitute for the following: SB 622

**The bills with committee substitute attached contained in the foregoing reports were referred to the Committee on General Government Appropriations under the original reference.**

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 2230

The Committee on Environmental Preservation and Conservation recommends a committee substitute for the following: SB 550

The Committee on Regulated Industries recommends a committee substitute for the following: SB 674

**The bills with committee substitute attached contained in the foregoing reports were referred to the Committee on Governmental Oversight and Accountability under the original reference.**

The Committee on Regulated Industries recommends committee substitutes for the following: SB 1964; SB 2358

**The bills with committee substitute attached were referred to the Committee on Judiciary under the original reference.**

The Committee on Transportation recommends committee substitutes for the following: SB 1948; SB 2054

**The bills with committee substitute attached were placed on the Calendar.**

## COMMITTEE SUBSTITUTES

### FIRST READING

By the Committee on Transportation; and Senator Baker—

**CS for SB 324**—A bill to be entitled An act relating to motor vehicle operators; amending s. 316.304, F.S.; prohibiting a person younger than 18 years of age from writing or sending a text message on an electronic communications device while operating a motor vehicle; providing for enforcement; providing exceptions; providing penalties; providing an effective date.

By the Committee on Transportation; and Senator Detert—

**CS for SB 448**—A bill to be entitled An act relating to the use of wireless communications devices while driving; creating s. 316.305, F.S.; creating the “Florida Ban on Texting While Driving Law”; providing legislative intent; prohibiting the operation of a motor vehicle while using a wireless communications device for certain purposes; providing a definition; providing exceptions; specifying information admissible as evidence of a violation; providing penalties; providing for enforcement as a secondary action; amending s. 322.27, F.S.; providing for points to be assessed against a driver’s license for the unlawful use of a wireless communications device resulting in a crash; providing an effective date.

By the Committee on Environmental Preservation and Conservation; and Senator Constantine—

**CS for SB 544**—A bill to be entitled An act relating to brownfield development; amending s. 212.08, F.S.; expanding the definition of the term “mixed-use project” for purposes of a tax exemption applicable to building materials; amending s. 220.1845, F.S.; providing requirements for claiming certain site rehabilitation costs in an application for a contaminated site rehabilitation tax credit; amending s. 288.107, F.S.; redefining the term “eligible business” to revise the criteria under which a business is eligible to receive a bonus refund for a brownfield redevelopment project; amending s. 376.30781, F.S.; providing requirements for claiming certain site rehabilitation costs in an application for a contaminated site rehabilitation tax credit; amending s. 376.85, F.S.; specifying additional requirements for the Department of Environmental Protection in its annual report to the Legislature regarding site rehabilitation; amending s. 403.1835, F.S.; specifying criteria for prioritizing certain brownfield site projects that eliminate public health hazards; providing an effective date.

By the Committee on Environmental Preservation and Conservation; and Senator Constantine—

**CS for SB 550**—A bill to be entitled An act relating to environmental protection; creating part VII of ch. 373, F.S., relating to water supply policy, planning, production, and funding; providing a declaration of policy; providing for the powers and duties of water management district governing boards; requiring the Department of Environmental Protection to develop the Florida water supply plan; providing components of the plan; requiring water management district governing boards to develop water supply plans for their respective regions; providing components of district water supply plans; providing legislative findings and intent with respect to water resource development and water supply development; requiring water management districts to fund and implement water resource development; specifying water supply development projects that are eligible to receive priority consideration for state or water management district funding assistance; encouraging cooperation in the development of water supplies; providing for alternative

water supply development; encouraging municipalities, counties, and special districts to create regional water supply authorities; establishing the primary roles of the water management districts in alternative water supply development; establishing the primary roles of local governments, regional water supply authorities, special districts, and publicly owned and privately owned water utilities in alternative water supply development; requiring the water management districts to detail the specific allocations to be used for alternative water supply development in their annual budget submission; requiring that the water management districts include the amount needed to implement the water supply development projects in each annual budget; establishing general funding criteria for funding assistance to the state or water management districts; establishing economic incentives for alternative water supply development; providing a funding formula for the distribution of state funds to the water management districts for alternative water supply development; requiring that funding assistance for alternative water supply development be limited to a percentage of the total capital costs of an approved project; establishing a selection process and criteria; providing for cost recovery from the Public Service Commission; providing selection criteria for submittal of water supply projects to the State Board of Administration; requiring a water management district governing board to conduct water supply planning for each region identified in the district water supply plan; providing procedures and requirements with respect to regional water supply plans; providing for joint development of a specified water supply development component of a regional water supply plan within the boundaries of the Southwest Florida Water Management District; providing that approval of a regional water supply plan is not subject to the rulemaking requirements of the Administrative Procedure Act; requiring the department to submit annual reports on the status of regional water supply planning in each district; providing construction with respect to the water supply development component of a regional water supply plan; requiring water management districts to present to certain entities the relevant portions of a regional water supply plan; requiring certain entities to provide written notification to water management districts as to the implementation of water supply project options; requiring water management districts to notify local governments of the need for alternative water supply projects; requiring water management districts to assist local governments in the development and future revision of local government comprehensive plan elements or public facilities reports related to water resource issues; providing for the creation of regional water supply authorities; providing purpose of such authorities; specifying considerations with respect to the creation of a proposed authority; specifying authority of a regional water supply authority; providing authority of specified entities to convey title, dedicate land, or grant land-use rights to a regional water supply authority for specified purposes; providing preferential rights of counties and municipalities to purchase water from regional water supply authorities; providing exemption for specified water supply authorities from consideration of certain factors and submissions; providing applicability of such exemptions; authorizing the West Coast Regional Water Supply Authority and its member governments to reconstitute the authority’s governance and rename the authority under a voluntary interlocal agreement; providing compliance requirements with respect to the interlocal agreement; providing for supersession of conflicting general or special laws; providing requirements with respect to annual budgets; specifying the annual millage for the authority; authorizing the authority to request the governing board of the district to levy ad valorem taxes within the boundaries of the authority to finance authority functions; providing requirements and procedures with respect to the collection of such taxes; amending ss. 120.52, 163.3167, 163.3177, 163.3191, 189.404, 189.4155, 189.4156, and 367.021, F.S.; conforming cross-references and removing obsolete provisions; amending s. 373.019, F.S.; redefining the term “alternative water supply” to include conservation projects; amending ss. 373.036, 373.0363, 373.0421, 373.0695, 373.223, 373.2234, 373.229, 373.236, 373.536, 373.59, 378.212, 378.404, 403.0891, 403.890, 403.891, and 682.02, F.S.; conforming cross-references and removing obsolete provisions; renumbering s. 373.71, F.S.; relating to the Apalachicola-Chattahoochee-Flint River Basin Compact, to clarify retention of the section in part VI of ch. 373, F.S.; repealing s. 373.0361, F.S., relating to regional water supply planning; repealing s. 373.0391, F.S., relating to technical assistance to local governments; repealing s. 373.0831, F.S., relating to water resource and water supply development; repealing s. 373.196, F.S., relating to alternative water supply development; repealing s. 373.1961, F.S., relating to water production and related powers and duties of water management districts; repealing s. 373.1962, F.S., relating to regional water supply authorities; repealing s. 373.1963,

F.S., relating to assistance to the West Coast Regional Water Supply Authority; amending s. 373.079, F.S.; deleting the requirement that the district governing board delegate its authority to take final actions; amending s. 373.083, F.S.; deleting the restriction against reviewing delegations by the board under ch. 120, F.S.; amending s. 373.118, F.S.; requiring the board to provide a process for referring certain delegated actions to the governing board for final action; creating s. 373.4131, F.S.; providing legislative findings; providing definitions; directing the Department of Environmental Protection, along with the water management districts, to create a statewide uniform stormwater management rule; providing requirements for rule creation; exempting agriculture from the rule; amending s. 403.031, F.S.; modifying the definition of “pollution” to include excess nutrients; providing definitions for “first magnitude spring” and “second magnitude spring”; amending 403.061, F.S.; directing the Department of Environmental Protection to limit nutrients in water bodies; directing the Department of Environmental Protection, along with the water management districts, to create and maintain an online, public database for consumptive use permits; creating s. 403.0675, F.S.; directing the Department of Environmental Protection to establish and implement numeric nutrient criteria that comply with the United States Environmental Protection Agency’s requirements; providing legislative findings; providing requirements for development of the numeric nutrient criteria; amending s. 215.619, F.S.; authorizing the issuance of bonds to be used to finance the management of sewage facilities in the Florida Keys Area; amending s. 380.0552, F.S.; revising legislative intent relating to the designation of the Florida Keys as an area of critical state concern; revising the procedures for removing the designation; providing for administrative review of such removal rather than judicial review; authorizing the Administration Commission to adopt rules or revise existing rules; revising the principles guiding development; revising compliance requirements for reviewing comprehensive plan amendments; amending s. 381.0065, F.S.; providing additional legislative intent; providing additional requirements for onsite sewage treatment and disposal systems in Monroe County; providing a definition for “evaluation” and “responsible management entity”; directing the Department of Health, the Department of Community Affairs, and the Department of Environmental Protection to develop guidelines for the creation of responsible management entities; providing for duties and powers of responsible management entities; providing a statewide implementation schedule for responsible management entities; prohibiting the land application of septage after July 1, 2015; amending s. 381.00655, F.S.; requiring responsible management entities to pay central sewer connection fees; amending s. 381.0066, F.S.; providing an annual operating permit fee for responsible management entities; directing the Department of Health to evaluate fee schedules set by responsible management entities; providing minimum requirements for the evaluation; amending s. 403.086, F.S.; requiring the Department of Environmental Protection to submit a report on the effects of reclaimed water use; clarifying reuse requirements for domestic wastewater facilities that discharge through ocean outfalls; providing legislative findings and discharge requirements for wastewater facilities in Monroe County; prohibiting the land application of class AA, class A, and class B wastewater residuals; exempting class AA residuals marketed, distributed, and applied as fertilizer, repealing sections 4, 5, and 6 of chapter 99-395, Laws of Florida, as amended, relating to sewage treatment in the Florida Keys; amending ss. 11.45 and 403.1835, F.S.; conforming terms to changes made by the renaming the corporation; amending s. 403.1837, F.S.; renaming the “Florida Water Pollution Control Financing Corporation” as the “Florida Water Pollution Control and Drinking Water Financing Corporation”; expanding the jurisdiction of the corporation to include loans made from the drinking water state revolving loan fund; amending s. 403.8532, F.S.; providing definitions for the terms “bonds” and “corporation”; conforming provisions to changes made by the act; authorizing the Department of Environmental Protection to adopt certain rules; amending s. 403.8533, F.S.; revising the purposes for the Drinking Water Revolving Loan Trust Fund; providing that the trust fund is exempt from the termination provisions of the State Constitution; creating part IV of ch. 369, F.S.; providing a short title; providing legislative findings and intent with respect to the need to protect and restore springs and ground water; providing definitions; requiring the Department of Environmental Protection to delineate the springsheds of specified springs; requiring the department to adopt spring protection zones by secretarial order; requiring the department to adopt total maximum daily loads and basin management action plans for spring systems; providing requirements for onsite sewage treatment and disposal systems; providing requirements for agricultural operations; authorizing the Department of Environmental Protection, the

Department of Health, and the Department of Agriculture and Consumer Services to adopt rules; requiring the water management districts and local governments to evaluate and remediate nitrogen loading and begin implementing management plans within the spring protection zones; amending s. 259.105, F.S.; providing priority under the Florida Forever Act for projects within a springs protection zone; amending s. 369.317, F.S.; clarifying mitigation offsets in the Wekiva Study Area; creating s. 373.631, F.S.; providing legislative intent to utilize State University System academic bodies to provide regular science-based policy recommendations to the Legislature; directing that the University of Florida Water Institute be the lead academic body; amending s. 553.77, F.S.; directing the Florida Building Commission to recommend products that result in water conservation; amending s. 215.47, F.S.; authorizing the State Board of Administration to make investments in alternative water supply and water resource development projects; amending 373.129, F.S.; requiring the water management districts to submit to alternative dispute resolution in conflicts with other governmental entities; amending s. 403.707, F.S.; requiring liners for new construction and demolition debris landfills; amending s. 298.66, F.S.; fixing a scrivener’s error to align statutory effect with legislative intent; amending s. 212.054, F.S.; allowing counties designated as an area of critical state concern to levy a one-cent sales surtax for stormwater and wastewater management; requiring approval of the surtax by voter referendum; providing an effective date.

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By the Committee on Regulated Industries; and Senator Jones—

**CS for SB 622**—A bill to be entitled An act relating to gaming; providing legislative intent regarding a tribal-state compact; amending s. 285.710, F.S.; clarifying that the tribal-state compact executed by the Governor and the Seminole Tribe of Florida on November 14, 2007, is void and not in effect; providing that the tribal-state compact executed by the Seminole Tribe of Florida and the Governor on August 28, 2009, and August 31, 2009, respectively, is void and not in effect; creating s. 285.712, F.S.; designating the Governor as the official to negotiate tribal-state compacts; providing for ratification of tribal-state compacts by the Legislature; providing for submission of the tribal-state compact to the Legislature and Secretary of State; providing for submission of the tribal-state compact to the Secretary of the Interior; amending s. 26 of chapter 2009-170, Laws of Florida, relating to the effective date of a prior act of the Legislature relating to gaming; conforming provisions to changes made by the act; providing an effective date.

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By the Committee on Regulated Industries; and Senator Jones—

**CS for SB 674**—A bill to be entitled An act relating to the state lottery; amending s. 24.105, F.S.; authorizing the use of player-activated machines that have additional functionality; amending s. 24.111, F.S.; adding limited liability companies to the list of potential vendors that the Department of the Lottery must investigate; prohibiting the department from entering into a contract for a major procurement if a managing member of the vendor has been convicted of a felony; removing a duplicative provision; amending s. 24.113, F.S.; removing a provision limiting the percentage of the same type of minority retailer that the Department of the Lottery may contract with to 35 percent; amending s. 24.114, F.S.; providing a penalty for failure by a retailer to remit funds as required; providing an effective date.

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By the Committee on Regulated Industries; and Senator Bennett—

**CS for SB 846**—A bill to be entitled An act relating to residential fire sprinkler requirements; amending s. 553.73, F.S.; prohibiting incorporation into the Florida Building Code of certain mandatory residential fire sprinkler provisions of the International Residential Code; providing an effective date.

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By the Committee on Banking and Insurance; and Senators Bennett, Dockery, and Hill—

**CS for SB 876**—A bill to be entitled An act relating to residential property insurance; amending s. 627.062, F.S.; authorizing certain insurers to use a rate different from otherwise applicable filed rates; prohibiting the consideration of certain policies when making a specified calculation; limiting the maximum average statewide increase for cer-

tain rate filings; preserving the authority of the Office of Insurance Regulation to disapprove rates as inadequate or disapprove a rate filing for using certain rating factors; authorizing the office to direct an insurer to make a specified type of rate filing under certain circumstances; amending s. 627.351, F.S.; providing requirements for the levy of the Citizens policyholder surcharge; prohibiting the corporation from levying certain regular assessments until after levying the full amount of a Citizens policyholder surcharge; requiring the corporation's plan of operation to require agents to obtain an acknowledgement of potential surcharge and assessment liability from applicants and policyholders; requiring the corporation to permanently retain a copy of such acknowledgments; specifying that the acknowledgement creates a conclusive presumption of understanding and acceptance by the policyholder; creating s. 627.7031, F.S.; authorizing certain insurers to offer or renew policies at rates established under certain circumstances; prohibiting certain insurers from purchasing TICL option coverage from the Florida Hurricane Catastrophe Fund under certain circumstances; requiring that certain policies contain a specified rate notice; requiring insurers to offer applicants or insureds an estimate of the premium for a policy from Citizens Property Insurance Corporation reflecting similar coverage, limits, and deductibles; requiring applicants or insureds to provide a signed premium comparison acknowledgement; specifying criteria for insurer compliance with certain requirements; specifying acknowledgement contents; requiring insurers and agents to retain a copy of the acknowledgement for a specified time; specifying a presumption created by a signed acknowledgement; specifying types of residential property insurance policies that are not eligible for certain rates or subject to other requirements; requiring written notice of certain nonrenewals; preserving insurer authority to cancel policies; specifying a criterion for what constitutes an offer to renew a policy; providing an effective date.

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By the Committee on Transportation; and Senator Gaetz—

**CS for SB 1948**—A bill to be entitled An act relating to road designations; designating Perdido Key Parkway in Escambia County; designating Colonel Bud Day Boulevard in Okaloosa County; directing the Department of Transportation to erect markers; providing an effective date.

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By the Committee on Regulated Industries; and Senator Negrón—

**CS for SB 1964**—A bill to be entitled An act relating to design professionals; amending s. 725.08, F.S.; limiting the liability of design professionals for certain economic damages resulting from the performance of professional services that are the subject of a contract under certain circumstances; providing an effective date.

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By the Committees on Environmental Preservation and Conservation; and Commerce; and Senator Ring—

**CS for CS for SB 2000**—A bill to be entitled An act relating to ports; amending ss. 161.055 and 253.002, F.S.; conforming provisions to changes made by the act; amending s. 311.09, F.S.; requiring the Department of Transportation to include certain seaport projects and funding related to the Florida Seaport Transportation and Economic Development grant program in its legislative budget request; requiring the department to submit work program amendments requested by the Florida Seaport Transportation and Economic Development Council within a certain timeframe; amending s. 373.403, F.S.; revising the definition for "stormwater management system" to exempt certain structures from regulation; creating s. 373.4133, F.S.; providing legislative findings; providing for port conceptual permits; providing which ports may apply for a port conceptual permit; authorizing a private entity that has adjacent property to apply for a permit; specifying the length of time for which a permit may be issued; providing that a conceptual permit is the state's water quality compliance certification and conceptual determination of consistency with the state's coastal zone management program; providing for permit applications and application requirements; requiring the department to effect a certain balance between the benefits of the facility and the environment; providing that a permit provides certain assurances with respect to construction permits if certain requirements are met; providing for advance mitigation; providing that certain actions may not be delegated by the Board of Trustees of the Internal Improvement Trust Fund; providing an exception for sover-

eighty submerged lands; providing procedures for the approval or denial of an application; providing for administrative challenges; authorizing the department and the board to issue certain permits and authorizations before certain actions are taken under the Endangered Species Act; authorizing the department and the board to adopt rules; amending s. 403.061, F.S.; removing the requirement for the Department of Environmental Protection to enter into memoranda of agreement relating to the issuance of certain joint coastal permits or other permits with the Florida Ports Council; amending s. 403.813, F.S.; revising requirements relating to maintenance dredging at seaports; revising the mixing zone and a requirement relating to the discharge of return water; increasing the time allowance for maintenance dredging after a storm event; providing an effective date.

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By the Committee on Transportation; and Senator Gaetz—

**CS for SB 2054**—A bill to be entitled An act relating to road designations; designating Doolittle Raiders Highway in Okaloosa and Walton Counties; designating Beach Highway in Walton County; designating K. Earl Durden Highway in Bay County; directing the Department of Transportation to erect markers; providing an effective date.

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By the Committee on Banking and Insurance; and Senator Richter—

**CS for SB 2230**—A bill to be entitled An act relating to public records; creating s. 517.2016, F.S.; providing an exemption from public-records requirements for information that would reveal examination techniques and procedures used by the Office of Financial Regulation pursuant to the Florida Securities and Investor Protection Act; providing a definition; providing for retroactive application of the public-record exemption; providing an exception to the exemption for other governmental entities having oversight or regulatory or law enforcement authority; providing for future review and repeal of the exemption; providing a statement of public necessity; providing an effective date.

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By the Committee on Environmental Preservation and Conservation; and Senator Sobel—

**CS for SB 2354**—A bill to be entitled An act relating to sewage disposal facilities; amending s. 403.086, F.S.; requiring facilities discharging domestic wastewater through ocean outfalls that divert flows for reuse purposes to meet specified reuse requirements; providing that such reuse contributes to the reuse requirement of the facilities originally accepting the flows; requiring entities that divert wastewater to also meet the reuse requirement; providing an effective date.

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By the Committee on Regulated Industries; and Senator Gardiner—

**CS for SB 2358**—A bill to be entitled An act relating to timeshares; amending s. 721.07, F.S.; providing lien disclosure requirements for filed public offering statements for certain timeshare plans; amending s. 721.16, F.S.; authorizing a managing entity to bring judicial action or a trustee procedure to foreclose certain liens under specified conditions; renaming part III of ch. 721, F.S.; amending s. 721.81, F.S.; revising and providing legislative purposes of the part; amending s. 721.82, F.S.; revising and providing definitions; amending s. 721.83, F.S.; revising the application of certain provisions with respect to judicial foreclosure actions; amending s. 721.85, F.S.; conforming provisions to changes made by the act; creating s. 721.855, F.S.; establishing procedure for the trustee foreclosure of assessment liens; providing for the appointment of a trustee; providing recording requirements for such liens; providing procedures for the initiation of a trustee foreclosure procedure against a timeshare interest; providing procedures for an obligor's objection to the trustee foreclosure procedure; providing conditions to a trustee's exercise of power of sale; providing requirements for a notice of default and intent to sell; providing requirements for a notice of sale; providing requirements for the sale by auction of foreclosed encumbered timeshare interests; providing requirements for a trustee's certificate of compliance; providing for the effect of a trustee's sale; providing requirements for a trustee's deed; providing for the disposition of proceeds of the sale; providing that the trustee foreclosure procedure does not impair or otherwise affect the right to bring certain actions; providing for application; providing for actions for failure to follow the trustee foreclosure procedure; creating s. 721.856, F.S.; establishing a procedure for the

trustee foreclosure of mortgage liens; providing for the appointment of a trustee; providing recording requirements for such liens; providing procedures for the initiation of a trustee foreclosure procedure against a timeshare interest; providing procedures for an obligor's objection to the trustee foreclosure procedure; providing conditions to a trustee's exercise of a power of sale; providing requirements for a notice of default and intent to sell; providing requirements for a notice of sale; providing requirements for a trustee's certificate of compliance; providing requirements for the sale by auction of foreclosed encumbered timeshare interests; providing for the effect of a trustee's sale; providing requirements for a trustee's deed; providing for the disposition of proceeds of the sale; providing that the trustee foreclosure procedure does not impair or otherwise affect the right to bring certain actions; providing for actions for failure to follow the trustee foreclosure procedure; amending s. 721.86, F.S.; providing for priority of application in case of conflict; amending s. 721.20, F.S.; conforming terminology; providing an effective date.

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By the Committee on Banking and Insurance; and Senator Detert—

**CS for SB 2548**—A bill to be entitled An act relating to loan origination; amending s. 494.00255, F.S.; reenacting a reference to certain federal laws for purposes of incorporating rules adopted under such laws; specifying application of disciplinary procedures to principal loan originators for actions of loan originators; amending s. 494.00331, F.S.; specifying nonapplication of certain limitations to licensed loan originators operating solely as loan processors; providing a definition; pro-

hibiting acting as a loan processor unless licensed as a loan originator; requiring a declaration of intent to engage solely in loan processing; authorizing withdrawal of a declaration of intent; authorizing payment of a loan processor's fee without violating certain restrictions; amending s. 494.0038, F.S.; revising requirements relating to a good faith estimate by a loan originator; requiring a disclosure document to be signed and dated by the borrower; amending s. 494.0067, F.S.; removing the requirement for licensure application under certain conditions; providing an effective date.

### **CORRECTION AND APPROVAL OF JOURNAL**

The Journal of March 24 was corrected and approved.

### **CO-INTRODUCERS**

Senators Dean—CS for SB 434; Haridopolos—SB 1672; Lynn—CS for SB 1512; Storms—SJR 952

### **RECESS**

On motion by Senator Villalobos, the Senate recessed at 12:20 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 10:00 a.m., Wednesday, March 31 or upon call of the President.