



# Journal of the Senate

Number 11—Regular Session

Wednesday, March 31, 2010

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## CALL TO ORDER

The Senate was called to order by President Atwater at 10:23 a.m. A quorum present—37:

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

Excused: Senators Deutch, Hill, Wilson until 2:45 p.m., Oelrich after 3:15 p.m.

## PRAYER

The following prayer was offered by Rev. Don Roberts, President, Goodwill Industries Manasota, Sarasota:

As a moment of personal privilege, the members of the Florida Goodwill Association wish to dedicate this prayer to the memory of Goodwill's long time supporter and your colleague and friend, Senator Jim King. In his memory, let us pray.

Holy law giver, the Seder meal has been blessed, Easter's resurrection sunrise is yet to come. We pause, as the Senate of the State of Florida, to reflect on the Passover celebration of liberty that the laws we create protect us, and we give you thanks for the resurrections that are often required to keep our laws tempered with a holy justice.

In this session, O God, some of our bills have suffered the death of the avenging angels; some of our bills remain hung upon a cross; some of our

bills will never leave the darkness of their committee's burial cave; and some of our bills will experience the miracle of a resurrection. Such is the process we call politics, Lord.

Senator Bennett, being convinced of the rectitude of his legislative initiatives, is sometimes perplexed that his colleagues don't see the world in exactly the same way.

Senator Detert has the joy of trying to fund and fix an educational system whose sole claim is to be the tallest midget in the class.

Governor Crist marches to the right in an attempt to be right; experiencing your divine wisdom that you cannot be right and in relationship at the same time.

Our tax system remains mired in 19th century purgatory with no clear consensus on how to get out of this mess, despite former Senate President, John McKay's best efforts.

Lord, like all the families in Florida, we are trying to figure out how to pay the bills. Other than that, Lord, this session is turning out to be just more fun than any legislator can stand.

So, more than most sessions, Lord God, we need your presence. Our prayers are simple, Lord. By your Passover presence, avert those avenging angels that our bills may not suffer the death of the first born.

By your Easter resurrection presence, remind us that a bill's life always triumphs the temporary experience of a particular chairman's death; making us particularly grateful for term limits.

So, thanks for keeping us company, Lord, as you have promised, even when we would prefer you leave our proverbial smoke filled rooms as we tend to the sometimes less than holy business of legislation. So, with you, O Lord, we wish our Jewish colleagues the happiest of Passover seasons. With you, O Lord, we wish our Christian colleagues the best of the Easter season. And finally, to our Atheist colleagues, we simply say "Good luck".

In Jim King's memory, we pray. Amen.

## PLEDGE

Senate Pages Wesley Fishman of Tallahassee; Demarien J. Hawk of Havana; Trevan "T.J." Hughes of Cutler Bay; David "Alex" Roberts of Ponce de Leon; and Jayla Mitchell of Orlando, led the Senate in the pledge of allegiance to the flag of the United States of America.

## ADOPTION OF RESOLUTIONS

On motion by Senator Villalobos—

By Senator Villalobos—

**SR 2770**—A resolution honoring the Honorable Emiliano Jose "E.J." Salcines, Jr., for his lifetime commitment to public service, education, and the administration of justice.

WHEREAS, Emiliano Jose "E.J." Salcines, Jr., was born in Tampa on July 18, 1938, to naturalized American citizens who moved to this country from Spain after World War I, and

WHEREAS, E.J. Salcines, Jr., graduated from Riverside Military Academy in Gainesville, Georgia, and, in 1959, received his Bachelor of Arts degree from Florida Southern College, and

WHEREAS, in 1963, E.J. Salcines, Jr., received his Doctor of Jurisprudence degree from South Texas College of Law, where he went on to serve for 16 years as a member of the Board of Trustees and where the "E.J. Salcines Student Lounge" is named in his honor, and

WHEREAS, in 1963, E.J. Salcines, Jr., was named an Assistant State Attorney for Hillsborough County and, from 1964 to 1968, served as an Assistant United States Attorney with the United States Department of Justice in the Middle District of Florida, and

WHEREAS, in 1967, E.J. Salcines, Jr., was appointed as a special federal prosecutor for organized crime in the southern and midwestern states, and subsequently was elected four times and served for 16 years as the County Solicitor and State Attorney in Florida's Thirteenth Judicial Circuit, and

WHEREAS, E.J. Salcines, Jr., was a career federal and state prosecutor for 22 years and in private practice for 13 years before being appointed to the bench in the Second District Court of Appeal by then-Governor Lawton Chiles in 1998, and

WHEREAS, E.J. Salcines, Jr., served with great distinction for 10 years as an appellate judge and continues to serve as a senior judge after reaching the mandatory retirement age of 70, and

WHEREAS, E.J. Salcines, Jr., embraces his Spanish heritage and achieved many "firsts" as a Hispanic in his service as an attorney and as a jurist, and, in 1979, was knighted by King Juan Carlos of Spain into the Royal Order of Queen Isabella, and

WHEREAS, in addition to his duties as a senior judge, E.J. Salcines, Jr., is an adjunct professor of law at Stetson University College of Law and has been a visiting lecturer on American law and the American court system at the University of Oviedo and the International University of Menendez-Pelayo in Spain and in venues in Spanish-speaking countries around the world, and

WHEREAS, in 2008, E.J. Salcines, Jr., received the Champion of Justice Award from the Tampa Bay Trial Lawyers Association and the Good Government Award from the Hillsborough County Board of County Commissioners, which annually confers the "E.J. Salcines Lifetime Leadership Award" to outstanding leaders in the community, and

WHEREAS, for more than 40 years, E.J. Salcines, Jr., has been writing, publishing, lecturing, and making radio and television appearances pertaining both to the law and to this nation's rich Hispanic heritage, and

WHEREAS, his love of the Tampa Bay area has led him to serve on numerous boards and committees, including his service as chair of the committee that oversaw the award-winning activities celebrating the 500th Anniversary of Christopher Columbus's discovery of America, and

WHEREAS, E.J. Salcines, Jr., has been recognized by the City of Tampa as its "Hispanic Man of the Year," was awarded the Distinguished Service Award by the University of South Florida Foundation, and was the recipient of the President's Distinguished Citizen Award given by the University of South Florida, NOW, THEREFORE,

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

That the members of the Senate recognize Emiliano Jose "E.J." Salcines, Jr., for his lifetime commitment to public service, education, and the administration of justice.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Emiliano Jose "E.J." Salcines, Jr., as a tangible token of the sentiments of the Florida Senate.

—was introduced out of order and read by title. On motion by Senator Villalobos, **SR 2770** was read the second time in full and adopted.

**SPECIAL GUESTS**

Senator Villalobos introduced the following guests: Emiliano Jose "E.J." Salcines, Jr., who was present in the gallery; and Jose Villalobos, the Senator's father, who was present in the chamber.

**MOTIONS**

On motions by Senator Villalobos, the rules were waived and by two-thirds vote **CS for CS for SB 1238** was placed on the Special Order Calendar to be considered following **CS for SB 2374**.

**MOTIONS RELATING TO COMMITTEE REFERENCE**

On motion by Senator Villalobos, by two-thirds vote **CS for CS for SB 8** was withdrawn from the Policy and Steering Committee on Ways and Means.

**SPECIAL ORDER CALENDAR**

**SB 2700**—A bill to be entitled An act making appropriations; providing moneys for the annual period beginning July 1, 2010, and ending June 30, 2011, to pay salaries, and other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of state government; providing an effective date.

—was read the second time by title.

**SENATOR VILLALOBOS PRESIDING**

Senator Baker moved the following amendments which were adopted:

**Amendment 1 (995061)**—

	DELETE	INSERT
ENVIRONMENTAL PROTECTION, DEPARTMENT OF Program: State Lands Facilities Management 37100600		
In Section 05 On Page 232		
1708QA Fixed Capital Outlay 083419		
Old Capitol Renovation - Dms Mgd IOEI		
1000 From General Revenue Fund		490,000
CA 490,000 FSI1NR 490,000		

**Amendment 2 (995065)**—

	DELETE	INSERT
ENVIRONMENTAL PROTECTION, DEPARTMENT OF Program: Water Resource Management Water Resource Protection And Restoration 37350200		
In Section 05 On Page 240		
1779A Special Categories 102222		
Transfer To Department Of Health - Onsite Sewage Nitrogen Reduction IOEA		
2780 From Water Quality Assurance Trust	2,000,000	0
Fund		
CA -2,000,000 FSI1NR -2,000,000		

**Amendment 3 (995066)**—

	DELETE	INSERT
In Section On Page 397		
INSERT A NEW SECTION 98:		

Section 98. The unexpended balance from Specific Appropriation 1772C of chapter 2008-152, Laws of Florida, provided to Palm Beach County Central

Everglades Water Quality Improvement in the amount of \$250,000 from the Ecosystem Management and Restoration Trust Fund, shall revert immediately and is appropriated for Fiscal Year 2010-11 to PC South/Indian River County.

DELETE INSERT

Senator Hill offered the following amendment which was moved by Senator Siplin and adopted:

Amendment 4 (995056)—

EDUCATION, DEPARTMENT OF
Program: Private Colleges And Universities 48190000
In Section 02 On Page 015
Special Categories 101157
Grants And Aids - Historically Black Private Colleges IOEB

HEALTH, DEPARTMENT OF
Program: Community Public Health Statewide Public Health Support Services 64200800
In Section 03 On Page 101
Special Categories 101501
James And Esther King Biomedical Research Program IOEB
2245 From Biomedical Research Trust Fund 27,200,000 25,700,000
CA -1,500,000 FSI1 -1,500,000
519 Special Categories 101503
William G. "Bill" Bankhead, Jr., And David Coley Cancer Research Program IOEB
2245 From Biomedical Research Trust Fund 25,000,000 23,500,000
CA -1,500,000 FSI1 -1,500,000

In proviso following Specific Appropriation 58, DELETE:

Funds in Specific Appropriation 58 for Library Resources shall be used for the purchase of books and other related library materials pursuant to section 1006.59, Florida Statutes. Funds shall be allocated equally to Bethune-Cookman University, Edward Waters College, and Florida Memorial University.

In Section 03 On Page 000
Special Categories 101535
Cancer Research IOEA
2245 From Biomedical Research Trust Fund 3,000,000
CA 3,000,000 FSI1 3,000,000

and insert in lieu thereof:

Funds in Specific Appropriation 58 for Library Resources shall be used for the purchase of books, electronic library resources, and other related library materials. Funds shall be allocated equally to Bethune-Cookman University, Edward Waters College, and Florida Memorial University.

Immediately following Specific Appropriation 519B, INSERT:

From the funds in Specific Appropriation 519B, \$1,000,000 is provided to the Moffitt Cancer Center, \$1,000,000 is provided to the Sylvester Cancer Center at the University of Miami, and \$1,000,000 is provided to the Shands/Gainesville Cancer Center to provide support for cancer research.

Amendment 5 (995060) was withdrawn.

Senator Negron moved the following amendment which was adopted:

Amendment 6 (995063)—

CHILDREN AND FAMILY SERVICES, DEPARTMENT OF
Services
Program: Family Safety Program
Family Safety And Preservation Services 60910310
In Section 03 On Page 080
Special Categories 108304
Grants And Aids - Community Based Care Funds For Providers Of Child Welfare Services IOEB

Senator Peaden moved the following substitute amendment which was adopted:

Substitute Amendment 7 (995100)—

Following Specific Appropriation 320, INSERT:

From the funds in Specific Appropriation 320, the nonrecurring sum of \$10,315,978 is appropriated from the Federal Grants Trust Fund to achieve a more equitable funding distribution among community based care lead agencies. These funds shall be distributed to the lead agencies with funding allocations, excluding Independent Living and Maintenance Adoption Subsidies, that fall below their fair share, using a distribution formula that is based on the following four weighted factors: number of children in poverty (30 percent); number of reports to the Abuse Hotline that are either referred for investigation or whose findings have been verified (30 percent); number of children in out-of-home care (30 percent); contribution to a safe reduction in out-of-home-care (10 percent). Community based care lead agencies not

HEALTH, DEPARTMENT OF
Program: Community Public Health Statewide Public Health Support Services 64200800
In Section 03 On Page 101
Special Categories 101501
James And Esther King Biomedical Research Program IOEB
2245 From Biomedical Research Trust Fund 27,200,000 25,700,000
CA -1,500,000 FSI1 -1,500,000
519 Special Categories 101503
William G. "Bill" Bankhead, Jr., And David Coley Cancer Research Program IOEB
2245 From Biomedical Research Trust Fund 25,000,000 23,500,000
CA -1,500,000 FSI1 -1,500,000
519B In Section 03 On Page 000
Special Categories 101535
Cancer Research IOEA
2245 From Biomedical Research Trust Fund 3,000,000
CA 3,000,000 FSI1 3,000,000

meeting the criteria for receiving additional equity funds shall receive no additional funding from this appropriation increase.

Senator Peaden moved the following amendment:

Amendment 7 (995085)—

Immediately following Specific Appropriation 519B, INSERT:

From the funds in Specific Appropriation 519B, \$1,000,000 is provided to the Moffitt Cancer Center, \$1,000,000 is provided to the Sylvester Cancer Center at the University of Miami, and \$1,000,000 is provided to the Shands Cancer Hospital to provide support for cancer research.

Amendment 8 (995069) was withdrawn.

Senator Peaden moved the following amendment:

Amendment 9 (995070)—

HEALTH, DEPARTMENT OF
Program: Community Public Health
Environmental Health Services 64200600
In Section 03 On Page 097
486 Special Categories 100777
Contracted Services IOEA

DELETE the proviso immediately following Specific Appropriation 486:

From the funds in Specific Appropriation 486, \$2,000,000 from the Grants and Donations Trust Fund is provided to the department to implement recommendations on phase II of the study on passive strategies for nitrogen reduction that complement use of conventional onsite wastewater treatment systems. The department shall submit an interim report on February 1, 2011, and a final report on May 16, 2011, to the Governor, the President of the Senate, and the Speaker of the House of Representatives detailing the progress of the study.

Insert proviso immediately following Specific Appropriation 486:

From the funds in Specific Appropriation 486, \$2,000,000 from the Grants and Donations Trust Fund is provided to the department for grants to counties to implement an onsite sewage treatment and disposal system inspection and maintenance program. Funds are contingent upon Senate Bill 550 or similar legislation becoming law.

MOTION

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

Senator Peaden moved the following substitute amendment which was adopted:

Substitute Amendment 9 (995101)—

HEALTH, DEPARTMENT OF
Program: Community Public Health
Environmental Health Services 64200600
In Section 03 On Page 097
486 Special Categories 100777
Contracted Services IOEA

2339 From Grants And Donations Trust Fund 2,671,203 671,203
CA -2,000,000 FSI1NR -2,000,000

DELETE the proviso immediately following Specific Appropriation 486:

From the funds in Specific Appropriation 486, \$2,000,000 from the Grants and Donations Trust Fund is provided to the department to implement recommendations on phase II of the study on passive strategies for nitrogen reduction that complement use of conventional onsite wastewater treatment systems. The department shall submit an interim report on February 1, 2011, and a final report on May 16, 2011, to the Governor, the President of the Senate, and the Speaker of the House of Representatives detailing the progress of the study.

Senators Negrón, Haridopolos, and Gaetz offered the following amendment which was moved by Senator Negrón and adopted:

Amendment 10 (995071)—

AGENCY FOR HEALTH CARE ADMINISTRATION
Program: Health Care Services
Medicaid Services To Individuals 68501400
DELETE INSERT
In Section 03 On Page 052
176 Special Categories 100062
Adult Vision And Hearing Services IOBE

Insert proviso above Specific Appropriation 176 :

From the funds in Specific Appropriations 176 through 223, the agency shall prepare a federal Medicaid waiver to permit the state, through legislative enactment, to limit annual spending on the Medicaid program to the amount appropriated in the state budget. The waiver request shall include authorization for the legislature to make changes to optional eligibility groups and services in order to prevent spending more in any fiscal year than is appropriated. In addition the waiver shall request authority to revise the benefit structure and delivery system to allow Medicaid recipients to be integrated into the private insurance market through the use of state vouchers. The wavier shall include a provision to require Medicaid recipients with higher incomes to participate in program costs through coinsurance and deductibles and to be provided incentives for cost effective utilization of the health care system. The agency shall submit the waiver application to the Legislative Budget Commission for approval by September 30, 2010, before submission to the federal Centers for Medicare and Medicaid Services.

The vote was:

Yeas—24

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

Nays—12

Aronberg Joyner Ring
Bullard Justice Siplin
Garcia Lawson Smith
Gelber Rich Sobel

Vote after roll call:

Yea—Thrasher

Senator Fasano moved the following amendments which were adopted:

Amendment 11 (995053)—

STATE, DEPARTMENT OF
Program: Historical Resources
Historical Resources Preservation And
Exhibition 45200700
DELETE INSERT
In Section 06 On Page 370
3167 Salaries And Benefits 010000 IOEA
Positions: 50 51
2339 From Grants And Donations Trust Fund 1,155,535 1,209,911
CA 54,376 FSI1 54,376
3169 Expenses 040000 IOEA

2339 From Grants And Donations Trust Fund 1,028,130 973,355  
 CA -54,775 FSI1 -54,775

3174 Special Categories 107040 18,978,412 18,478,412  
 Transfer To Department Of Management Services - Human Resources Services Purchased Per Statewide Contract IOEH  
 CA -500,000 FSI1 -500,000

2339 From Grants And Donations Trust Fund 11,260 11,659  
 CA 399 FSI1 399

In Section 06 On Page 329  
 2652 Special Categories 100225  
 Innovation Incentive Program IOEA

1000 From General Revenue Fund 18,978,412 18,478,412  
 CA -500,000 FSI1 -500,000

Senator Crist moved the following amendment which was adopted:

**Amendment 14 (995058)—**

**Amendment 12 (995055)—**

AGENCY FOR WORKFORCE INNOVATION  
 Program: Workforce Services  
 Program Support 75200100

DELETE INSERT

In Section 06 On Page 283  
 2213 Special Categories 100778  
 Grants And Aids - Contracted Services IOEB

2648 From Special Employment Security Administration Trust Fund 7,001,488 3,889,401  
 CA -3,112,087 FSI1NR -3,112,087

Early Learning  
 Early Learning Services 75900100

In Section 06 On Page 286  
 2243 Special Categories 103114  
 Grants And Aids - School Readiness Services IOEB

In Section 06 On Page 287

2648 From Special Employment Security Administration Trust Fund 6,306,411 9,418,498  
 CA 3,112,087 FSI2NR 3,112,087

DELETE INSERT

COMMUNITY AFFAIRS, DEPARTMENT OF  
 Program: Emergency Management  
 Emergency Management 52601000

In Section 05 On Page 221  
 1616A Grants And Aids To Local Governments And Nonstate Entities - Fixed Capital Outlay Local Emergency Management Facilities IOEM 140525

1000 From General Revenue Fund 750,000 1,000,000  
 CA 250,000 FSI1 250,000

DELETE the proviso immediately following Specific Appropriation 1616A:

Funds in Specific Appropriation 1616A are provided for the Regional Hurricane Shelter/ Community Health Center, Pasco County.

and INSERT:

From the funds in Specific Appropriation 1616A, \$750,000 is provided for the Regional Hurricane Shelter/ Community Health Center, Pasco County.

From the funds in Specific Appropriation 1616A, \$250,000 is provided for the Brandon Community Hurricane Shelter/ Advantage Center.

**Amendment 13 (995057)—**

COMMUNITY AFFAIRS, DEPARTMENT OF  
 Program: Emergency Management  
 Emergency Management 52601000

DELETE INSERT

In Section 05 On Page 221  
 1616A Grants And Aids To Local Governments And Nonstate Entities - Fixed Capital Outlay Local Emergency Management Facilities IOEM 140525

1000 From General Revenue Fund 750,000 1,250,000  
 CA 500,000 FSI1 500,000

GOVERNOR, EXECUTIVE OFFICE OF THE  
 Program: Office Of Tourism, Trade And Economic Development  
 Economic Development Programs And Projects 31800600

In Section 06 On Page 329  
 2652 Special Categories 100225  
 Innovation Incentive Program IOEA

1000 From General Revenue Fund 18,978,412 18,728,412  
 CA -250,000 FSI1 -250,000

Senators Crist and Storms offered the following amendment which was moved by Senator Crist and adopted:

**Amendment 15 (995059)—**

DELETE the proviso immediately following Specific Appropriation 1616A:

Funds in Specific Appropriation 1616A are provided for the Regional Hurricane Shelter/ Community Health Center, Pasco County.

and INSERT:

From the funds in Specific Appropriation 1616A, \$750,000 is provided for the Regional Hurricane Shelter/ Community Health Center, Pasco County.

From the funds in Specific Appropriation 1616A, \$500,000 is provided for a hurricane shelter/ homeless shelter project.

DELETE INSERT

GOVERNOR, EXECUTIVE OFFICE OF THE  
 Program: Office Of Tourism, Trade And Economic Development  
 Economic Development Programs And Projects 31800600

In Section 06 On Page 330  
 2672 Grants And Aids To Local Governments And Nonstate Entities - Fixed Capital Outlay Economic Development Transportation Projects IOEM 144701

DELETE the proviso immediately following Specific Appropriation 2672:

A portion of the funds in Specific Appropriation 2672 shall be allocated for urban economic infrastructure projects, as follows:

NW 47th Avenue Improvements, City of Lauderhill..... 300,000  
 13th Street Improvements, City of Riviera Beach..... 500,000  
 Spanish River Boulevard/ I-95 Project, Boca Raton..... 1,000,000

GOVERNOR, EXECUTIVE OFFICE OF THE  
 Program: Office Of Tourism, Trade And Economic Development  
 Economic Development Programs And Projects 31800600

St. Johns Heritage/Palm Bay Parkway Construction, Palm Bay.. 4,000,000

From the funds in Specific Appropriation 2672, \$250,000 shall be used to fund a transportation improvement project at an airport as defined in section 339.63 (4), Florida Statutes.

All other funds in Specific Appropriation 2672 shall be used for economic development transportation projects as defined in section 288.063, Florida Statutes.

and INSERT:

A portion of the funds in Specific Appropriation 2672 shall be allocated for urban economic infrastructure projects, as follows:

NW 47th Avenue Improvements, City of Lauderhill.....	300,000
13th Street Improvements, City of Riviera Beach.....	500,000
Spanish River Boulevard/ I-95 Project, Boca Raton.....	1,000,000
St. Johns Heritage/Palm Bay Parkway Construction, Palm Bay..	4,000,000
Turkey Creek Rd Improvements/Hillsborough Cty Industrial Park	1,000,000

From the funds in Specific Appropriation 2672, \$250,000 shall be used to fund a transportation improvement project at an airport as defined in section 339.63 (4), Florida Statutes.

All other funds in Specific Appropriation 2672 shall be used for economic development transportation projects as defined in section 288.063, Florida Statutes.

Senator Dean moved the following amendment which was adopted:

Amendment 16 (995068)—

	DELETE	INSERT
In Section 36	On Page 388	

In Section 36, on Page 388, INSERT a new section:

The unexpended balance of funds provided in Specific Appropriation 1661, Chapter 2008-152, Laws of Florida and subsequently transferred to the Department of Community Affairs to establish the Working Waterfronts Program pursuant to Section 40 of Chapter 2008-153, Laws of Florida, and Chapter 2008-229, Laws of Florida, for the Working Water Fronts Program shall revert immediately and is appropriated for the Fiscal Year 2010-11 to the Department of Community Affairs from the Florida Forever Trust Fund for projects meeting program criteria.

Amendment 17 (995052) was withdrawn.

Amendment 18 (995054) was withdrawn.

Amendment 19 (995067) was withdrawn.

Senator Gelber moved the following amendment which was adopted:

Amendment 20 (995051)—

	DELETE	INSERT
In Section	On Page 000	

EDUCATION, DEPARTMENT OF  
Program: Education - Fixed Capital Outlay 48150000

19	In Section 02	On Page 008
	Fixed Capital Outlay	089006
	Community College Projects	IOEL

DELETE the following proviso immediately following Specific Appropriation 19:

BROW Gen ren/rem, infrastructure and site improvements..... 3,904,031

and insert in lieu thereof:

BROW Gen ren/rem, infrastructure and site improvements.....	3,404,031
BROW Institute of Public Safety - Building 22 .....	500,000

Senator Garcia moved the following amendment which was adopted:

Amendment 21 (995062)—

	DELETE	INSERT
In Section	On Page 397	

INSERT A NEW SECTION 98:

Section 98. (1) Consistent with the principles of promoting employment of state residents, ensuring that the expenditure of state funds benefits state residents, and encouraging economic development within the state, the funds provided in this act for any purchase of goods and services in excess of \$5 million are appropriated to each entity expending such funds to give preference, to the maximum extent possible under or consistent with applicable state and federal laws, to vendors or businesses with a principal place of business in the State of Florida that commit contractually to maximize the use of Florida residents, products and other Florida-based businesses in the fulfillment of their contractual duties.

(2) This section does not apply to any contract that was funded prior to June 1, 2010.

(3) Each state agency shall identify contracts subject to this section and shall report by March 1, 2011, each contractor's compliance with this section to the Agency for Workforce Innovation.

MOTION

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

Senator Crist moved the following amendment which was adopted:

Amendment 22 (995099)—

	DELETE	INSERT
--	--------	--------

CHILDREN AND FAMILY SERVICES, DEPARTMENT  
OF  
Services  
Program: Family Safety Program  
Family Safety And Preservation Services 60910310

	In Section 03	On Page 079
312	Special Categories	103034
	Grants And Aids - Child Protection	IOEB

1000	From General Revenue Fund	7,403,052	7,653,052
	CA 250,000 FSI1NR 250,000		

At the end of existing proviso language, following Specific Appropriation 312, INSERT:

From the funds in Specific Appropriation 312, the nonrecurring sum of \$250,000 from the General Revenue Fund is appropriated for the Salvation Army Children's Village.

JUVENILE JUSTICE, DEPARTMENT OF  
Program: Juvenile Detention Program  
Detention Centers 80400100

	In Section 04	On Page 170
1124	Special Categories	100289
	Grants And Aids - Grants To Fiscally	

Constrained Counties For Detention Center  
Costs IOEB

1000	From General Revenue Fund	5,528,506	5,278,506
	CA -250,000 FSI1NR -250,000		

MOTION

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

Senator Lawson moved the following amendment which was adopted:

**Amendment 23 (995096)—**

	DELETE	INSERT
CORRECTIONS, DEPARTMENT OF Program: Security And Institutional Operations Adult Male Custody Operations 70031100		
In Section 04 On Page 116		
629 Salaries And Benefits 010000 IOEA		
Positions:	8,544	8,315
1000 From General Revenue Fund	433,375,099	443,919,637
CA 10,544,538 FSI1 10,544,538		

DELETE existing proviso which begins on page 115 and ends on page 116 which reads:

Specific Appropriations 603 through 781 include a reduction of \$24,251,652 in recurring general revenue to close an existing institution(s) in order to open 2,224 adult male correctional facility beds at Blackwater River Correctional Institution on November 1, 2010.

Specific Appropriations 603 through 781 also include \$14,006,142 in recurring general revenue reductions to be achieved through privatizing 1,350 beds at an existing Department of Corrections operated institution(s). Conversion from state operated to privately operated shall take place no later than January 1, 2010.

The department may not close or privatize any dormitories other than those associated with closing or privatizing an entire institution to achieve the reductions provided above.

The Department of Corrections shall provide a transition plan to the chairs of the Full Appropriations Council on General Government & Health Care and the Senate Policy and Steering Committee on Ways and Means no later than July 1, 2010, which includes the list of the institution(s) to be closed to populate Blackwater River Correctional Institution and the institution(s) to be privatized. To expedite the contracting process, all information pertinent to developing contracts shall be provided to the Department of Financial Services no later than July 1, 2010. The department shall submit any amendment necessary to facilitate the transfer of funding from the Adult Male Private Prison Operations category to another private prison operations category if a different type institution is determined.

Through the provisions of s. 287.057(11), F.S., and from the list of vendors approved through the Florida Vendor Bid System, the Department of Financial Services shall, upon receipt of Department of Corrections data pertinent to determining type of facility, number and type of inmate, medical and psychological grade populations, and FY 2008-09 operating costs, immediately procure contracts for the 1,350 privately operated prison beds. The institution(s) average daily population (ADP), as well as medical and psychological grade population percentages, shall remain substantially unchanged from the ADP calculated/published for FY 2008-09. For each facility contracted, at least a ten percent savings over DOC FY 2008-09 operating costs for the operated prison beds. The institution(s) average daily population (ADP), as well as medical and psychological grade population percentages, shall remain substantially unchanged from the ADP calculated/published for FY 2008-09. For each facility contracted, at least a ten percent savings over DOC FY 2008-09 operating costs for the facility to be privatized shall be achieved. The institution(s) shall continue to operate at capacities set forth in s. 944.023, F.S.

Any funds received at the converted institution(s) from canteens, subsistence payments, or any other participation accounts shall continue to be remitted to the General Revenue Fund.

and INSERT the following new proviso in its place:

Specific Appropriations 603 through 781 include a reduction of \$24,251,652 in recurring general revenue to close existing facilities in order to open 2,224 adult male correctional facility beds at Blackwater River Correctional Institution on November 1, 2010.

The Department of Corrections shall provide a transition plan to the chairs of the Full Appropriations Council on General Government & Health Care and the Senate Policy and Steering Committee on Ways and Means no later than July 1, 2010, which includes the list of the facilities to be closed to populate Blackwater River Correctional Institution.

631 Expenses 040000 IOEA				
1000 From General Revenue Fund		27,907,302	30,923,816	
CA 3,016,514 FSI1 3,016,514				
In Section 04 On Page 117				
633 Food Products 070000 IOEA				
1000 From General Revenue Fund		29,813,041	31,046,119	
CA 1,233,078 FSI1 1,233,078				
634 Special Categories 100777 Contracted Services IOEA				
1000 From General Revenue Fund		5,568,965	5,777,961	
CA 208,996 FSI1 208,996				
635 Special Categories 102025 Food Service And Production IOEA				
1000 From General Revenue Fund		3,152,295	3,235,894	
CA 83,599 FSI1 83,599				
639 Special Categories 105235 Private Prison Operations IOEA				
1000 From General Revenue Fund		123,437,173	100,832,436	
CA -22,604,737 FSI1 -22,604,737				

DELETE the proviso on page 117, following Specific Appropriation 639

which reads:

Funds provided in Specific Appropriation 639 include \$22,604,737 for the operation of 2,224 adult male beds at Blackwater River Correctional Institution to be operational on November 1, 2010.

Funds provided in Specific Appropriation 639 include \$12,606,017 for the operation of 1,350 beds at an institution(s) to be determined by the Department of Corrections. Conversion of the existing institution(s) from state operated to privately operated shall take place no later than January 1, 2010.

The Department of Corrections shall provide a transition plan to the chairs of the Full Appropriations Council on General Government & Health Care and the Senate Policy and Steering Committee on Ways and Means no later than July 1, 2010, which includes the institution(s) to be closed to populate Blackwater River Correctional Institution and the institution(s) to be privatized. The department shall submit any amendment necessary to facilitate the transfer of funding from the Adult Male Private Prison Operations category to another private prison operations category if a different type institution is determined.

Through the provisions of s. 287.057(11), F.S., and from the list of vendors approved through the Florida Vendor Bid System, the Department of Financial Services shall, upon receipt of Department of Corrections data pertinent to determining type of facility, number and type of inmate, medical and psychological grade populations, and FY 2008-09 operating costs, immediately procure contracts for the 1,350 privately operated prison beds. The institution(s) average daily population (ADP), as well as medical and psychological grade population percentages, shall remain substantially unchanged from the ADP calculated/published for FY 2008-09. For each facility contracted, at least a ten percent savings over DOC FY 2008-09 operating costs for the facility to be privatized shall be achieved. The institution(s) shall continue to operate at capacities set forth in s. 944.023, F.S.

Any funds received at the converted institution(s) from canteens, subsistence payments, or any other inmate participation accounts shall continue to be remitted to the General Revenue Fund.

and INSERT the following proviso in its place:

Funds provided in Specific Appropriation 639 include \$22,604,737 for the operation of 2,224 adult male beds at Blackwater River Correctional Institution to be operational on November 1, 2010.

	Program: Health Services			
	Inmate Health Services	70251000		
	In Section 04	On Page 128		
748	Other Personal Services	030000 IOEA		
	1000 From General Revenue Fund		19,095,933	19,484,187
	CA 388,254 FSI1 388,254			
	In Section 04	On Page 129		
751	Special Categories	100777		
	Contracted Services	IOEA		
	1000 From General Revenue Fund		753,447	774,624
	CA 21,177 FSI1 21,177			
753	Special Categories	104017		
	Inmate Health Services	IOEA		
	1000 From General Revenue Fund		120,680,220	126,009,891
	CA 5,329,671 FSI1 5,329,671			
754	Special Categories	104530		
	Treatment Of Inmates - General Drugs	IOEA		
	1000 From General Revenue Fund		25,319,289	26,011,087
	CA 691,798 FSI1 691,798			
755	Special Categories	104540		
	Treatment Of Inmates - Psychotropic Drugs	IOEA		
	1000 From General Revenue Fund		12,781,828	13,120,668
	CA 338,840 FSI1 338,840			
	Treatment Of Inmates With Infectious Diseases	70252000		
762	Special Categories	104550		
	Treatment Of Inmates - Infectious Disease Drugs	IOEA		
	1000 From General Revenue Fund		29,256,496	30,004,768
	CA 748,272 FSI1 748,272			

\$24,251,652 in recurring general revenue to close an existing institution(s) in order to open 2,224 adult male correctional facility beds at Blackwater River Correctional Institution on November 1, 2010.

Specific Appropriations 603 through 781 also include \$14,006,142 in recurring general revenue reductions to be achieved through privatizing 1,350 beds at an existing Department of Corrections operated institution(s). Conversion from state operated to privately operated shall take place no later than January 1, 2010.

The department may not close or privatize any dormitories other than those associated with closing or privatizing an entire institution to achieve the reductions provided above.

The Department of Corrections shall provide a transition plan to the chairs of the Full Appropriations Council on General Government & Health Care and the Senate Policy and Steering Committee on Ways and Means no later than July 1, 2010, which includes the list of the institution(s) to be closed to populate Blackwater River Correctional Institution and the institution(s) to be privatized. To expedite the contracting process, all information pertinent to developing contracts shall be provided to the Department of Financial Services no later than July 1, 2010. The department shall submit any amendment necessary to facilitate the transfer of funding from the Adult Male Private Prison Operations category to another private prison operations category if a different type institution is determined.

Through the provisions of s. 287.057(11), F.S., and from the list of vendors approved through the Florida Vendor Bid System, the Department of Financial Services shall, upon receipt of Department of Corrections data pertinent to determining type of facility, number and type of inmate, medical and psychological grade populations, and FY 2008-09 operating costs, immediately procure contracts for the 1,350 privately operated prison beds. The institution(s) average daily population (ADP), as well as medical and psychological grade population percentages, shall remain substantially unchanged from the ADP calculated/published for FY 2008-09. For each facility contracted, at least a ten percent savings over DOC FY 2008-09 operating costs for the operated prison beds. The institution(s) average daily population (ADP), as well as medical and psychological grade population percentages, shall remain substantially unchanged from the ADP calculated/published for FY 2008-09. For each facility contracted, at least a ten percent savings over DOC FY 2008-09 operating costs for the facility to be privatized shall be achieved. The institution(s) shall continue to operate at capacities set forth in s. 944.023, F.S.

Any funds received at the converted institution(s) from canteens, subsistence payments, or any other participation accounts shall continue to be remitted to the General Revenue Fund.

and INSERT the following new proviso in its place:

MOTION

On motion by Senator Alexander, by the required two-thirds vote, consideration of the following amendments were allowed:

Senator Alexander moved the following amendments which were adopted:

Amendment 24 (995097)—

		DELETE	INSERT	
	CORRECTIONS, DEPARTMENT OF			
	Program: Security And Institutional Operations			
	Adult Male Custody Operations	70031100		
	In Section 04	On Page 116		
629	Salaries And Benefits	010000 IOEA		
	Positions:	8,544	9,183	
	1000 From General Revenue Fund	433,375,099	439,015,947	
	CA 5,640,848 FSI1 5,640,848			

From the funds in Specific Appropriations 603 through 781 the department shall identify 1,350 adult male custody beds that are medical grades 1 and 2, and also, psychological grades 1 and 2 with an average daily per-diem of \$45.06 and implement cost efficiencies that will reduce the average daily per-diem to \$42. The department may achieve these cost efficiencies by matching the types of inmates to the lowest cost of incarceration, i.e. prisons, work camps, or work release facilities. The department must contract for the operation of these 1,350 beds if necessary to reach the per-diem rate of \$42.

From the funds in Specific Appropriations 603 through 781 the department shall develop a plan to reduce the operating costs of an additional 6,400 beds by 5%. This plan may use Department of Corrections beds or privatized beds. The department shall provide this plan to the Governor, the President of the Senate, and the Speaker of the House of Representatives by November 1, 2010.

631	Expenses	040000 IOEA		
	1000 From General Revenue Fund		27,907,302	29,649,440
	CA 1,742,138 FSI1 1,742,138			
	In Section 04	On Page 117		
633	Food Products	070000 IOEA		

DELETE existing proviso which begins on page 115 and ends on page 116 which reads:

Specific Appropriations 603 through 781 include a reduction of

1000	From General Revenue Fund CA 712,144 FSI1 712,144	29,813,041	30,525,185
634	Special Categories 100777 Contracted Services IOEA		
1000	From General Revenue Fund CA 120,702 FSI1 120,702	5,568,965	5,689,667
635	Special Categories 102025 Food Service And Production IOEA		
1000	From General Revenue Fund CA 48,281 FSI1 48,281	3,152,295	3,200,576
639	Special Categories 105235 Private Prison Operations IOEA		
1000	From General Revenue Fund CA -12,606,017 FSI1 -12,606,017	123,437,173	110,831,156

DELETE the proviso on page 117, following Specific Appropriation 639 which reads:

Funds provided in Specific Appropriation 639 include \$12,606,017 for the operation of 1,350 beds at an institution(s) to be determined by the Department of Corrections. Conversion of the existing institution(s) from state operated to privately operated shall take place no later than January 1, 2010.

The Department of Corrections shall provide a transition plan to the chairs of the Full Appropriations Council on General Government & Health Care and the Senate Policy and Steering Committee on Ways and Means no later than July 1, 2010, which includes the institution(s) to be closed to populate Blackwater River Correctional Institution and the institution(s) to be privatized. The department shall submit any amendment necessary to facilitate the transfer of funding from the Adult Male Private Prison Operations category to another private prison operations category if a different type institution is determined.

Through the provisions of s. 287.057(11), F.S., and from the list of vendors approved through the Florida Vendor Bid System, the Department of Financial Services shall, upon receipt of Department of Corrections data pertinent to determining type of facility, number and type of inmate, medical and psychological grade populations, and FY 2008-09 operating costs, immediately procure contracts for the 1,350 privately operated prison beds. The institution(s) average daily population (ADP), as well as medical and psychological grade population percentages, shall remain substantially unchanged from the ADP calculated/published for FY 2008-09. For each facility contracted, at least a ten percent savings over DOC FY 2008-09 operating costs for the facility to be privatized shall be achieved. The institution(s) shall continue to operate at capacities set forth in s. 944.023, F.S.

Any funds received at the converted institution(s) from canteens, subsistence payments, or any other inmate participation accounts shall continue to be remitted to the General Revenue Fund.

	Program: Health Services Inmate Health Services 70251000		
	In Section 04 On Page 128		
748	Other Personal Services 030000 IOEA		
1000	From General Revenue Fund CA 224,230 FSI1 224,230	19,095,933	19,320,163
	In Section 04 On Page 129		
751	Special Categories 100777 Contracted Services IOEA		
1000	From General Revenue Fund CA 12,231 FSI1 12,231	753,447	765,678
753	Special Categories 104017 Inmate Health Services IOEA		

1000	From General Revenue Fund CA 3,078,063 FSI1 3,078,063	120,680,220	123,758,283
754	Special Categories 104530 Treatment Of Inmates - General Drugs IOEA		
1000	From General Revenue Fund CA 399,537 FSI1 399,537	25,319,289	25,718,826
755	Special Categories 104540 Treatment Of Inmates - Psychotropic Drugs IOEA		
1000	From General Revenue Fund CA 195,691 FSI1 195,691	12,781,828	12,977,519
	Treatment Of Inmates With Infectious Diseases 70252000		
762	Special Categories 104550 Treatment Of Inmates - Infectious Disease Drugs IOEA		
1000	From General Revenue Fund CA 432,152 FSI1 432,152	29,256,496	29,688,648

**Amendment 25 (995098)—**

		DELETE	INSERT
	CORRECTIONS, DEPARTMENT OF Program: Security And Institutional Operations Adult Male Custody Operations 70031100		
	In Section 04 On Page 116		
629	Salaries And Benefits 010000 IOEA		
1000	From General Revenue Fund CA 889,140 FSI1 889,140	433,375,099	434,264,239
631	Expenses 040000 IOEA		
1000	From General Revenue Fund CA 474,135 FSI1 474,135	27,907,302	28,381,437
	In Section 04 On Page 117		
633	Food Products 070000 IOEA		
1000	From General Revenue Fund CA 192,720 FSI1 192,720	29,813,041	30,005,761
634	Special Categories 100777 Contracted Services IOEA		
1000	From General Revenue Fund CA 32,850 FSI1 32,850	5,568,965	5,601,815
635	Special Categories 102025 Food Service And Production IOEA		
1000	From General Revenue Fund CA 17,520 FSI1 17,520	3,152,295	3,169,815
	Public Service Worksquads And Work Release Transition 70031600		
	In Section 04 On Page 121		
686	Salaries And Benefits 010000 IOEA		
	Positions:	863	1,008
1000	From General Revenue Fund CA 2,474,017 FSI1 2,474,017	32,258,508	34,732,525

DELETE the following proviso which appears above Specific Appropriation 686:

From the funds in Specific Appropriations 686 through 695, the Department of Corrections shall contract for the operation of current

work release centers (WRCs) operated through the Central Florida Reception Center (Kissimmee, and Orlando WRCs), the South Florida Reception Center (Hollywood, Miami North, and Opa Locka WRCs), Columbia Correctional Institution (Lake City WRC), and Gainesville Correctional Institution (Santa Fe WRC). Contracts shall not exceed the per diem rate of \$22 per day. Funds in Specific Appropriations 603 through 681 include reductions in recurring general revenue in the amount of \$8,223,702 to accomplish privatization of 863 current work release beds at these facilities, and a total of 600 new beds which have been constructed at some of these facilities. The work release center conversions from state operated to privately operated shall begin no later than January 1, 2011.

and INSERT the following proviso in its place:

From the funds in Specific Appropriations 686 through 695, the current work release centers (WRCs) operated through the Central Florida Reception Center (Kissimmee, and Orlando WRCs), the South Florida Reception Center (Hollywood, Miami North, and Opa Locka WRCs), Columbia Correctional Institution (Lake City WRC), and Gainesville Correctional Institution (Santa Fe WRC) shall not exceed the per diem rate of \$22.

Funds in Specific Appropriations 603 through 681 include reductions in recurring general revenue in the amount of \$8,223,702 to accomplish this per diem for 863 current work release beds at these facilities and a total of 600 new beds which have been constructed at some of these facilities. The department must contract for the operation of these 1,463 beds if necessary to reach the per diem rate of \$22.

	In Section 04 On Page 122		
691	Special Categories 100777		
	Contracted Services IOEA		
1000	From General Revenue Fund	18,953,193	13,269,289
	CA -5,683,904 FSI1 -5,683,904		

DELETE the following proviso which appears after Specific Appropriation 691:

From the funds in Specific Appropriation 691, \$5,873,945 in recurring general revenue is appropriated to increase contracted work release beds. The Department of Corrections shall contract for 863 existing work release center beds operated through the Central Florida Reception Center (Kissimmee, and Orlando WRCs), the South Florida Reception Center (Hollywood, Miami North, and Opa Locka WRCs), Columbia Correctional Institution (Lake City WRC), and Gainesville Correctional Institution (Santa Fe WRC) and 600 newly constructed work release beds, 150 beds each located at Hollywood, Kissimmee Lake City and Santa Fe. Contracts for these 1,463 beds shall not exceed the per diem rate of \$22 per day. These facilities shall become operational by January 1, 2011.

	In Section 04 On Page 121		
687	Expenses 040000 IOEA		
1000	From General Revenue Fund	3,918	585,129
	CA 581,211 FSI1 581,211		

689	Food Products 070000 IOEA		
1000	From General Revenue Fund	1,045,721	1,227,970
	CA 182,249 FSI1 182,249		

	In Section 04 On Page 122		
692	Special Categories 102025		
	Food Service And Production IOEA		
1000	From General Revenue Fund	186,860	204,143
	CA 17,283 FSI1 17,283		

695	Special Categories 103290		
	Salary Incentive Payments IOEA		
1000	From General Revenue Fund	267,977	288,121
	CA 20,144 FSI1 20,144		

Program: Health Services

	Inmate Health Services 70251000		
	In Section 04 On Page 128		
748	Other Personal Services 030000 IOEA		
1000	From General Revenue Fund	19,095,933	19,163,823
	CA 67,890 FSI1 67,890		
	In Section 04 On Page 129		
751	Special Categories 100777		
	Contracted Services IOEA		
1000	From General Revenue Fund	753,447	755,637
	CA 2,190 FSI1 2,190		
753	Special Categories 104017		
	Inmate Health Services IOEA		
1000	From General Revenue Fund	120,680,220	121,189,395
	CA 509,175 FSI1 509,175		
754	Special Categories 104530		
	Treatment Of Inmates - General Drugs IOEA		
1000	From General Revenue Fund	25,319,289	25,420,029
	CA 100,740 FSI1 100,740		
	Treatment Of Inmates With Infectious Diseases 70252000		
762	Special Categories 104550		
	Treatment Of Inmates - Infectious Disease Drugs IOEA		
1000	From General Revenue Fund	29,256,496	29,358,331
	CA 101,835 FSI1 101,835		
	Inmate Health Services 70251000		
755	Special Categories 104540		
	Treatment Of Inmates - Psychotropic Drugs IOEA		
1000	From General Revenue Fund	12,781,828	12,802,633
	CA 20,805 FSI1 20,805		

**MOTION**

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

Senator Haridopolos moved the following amendment which was adopted:

**Amendment 26 (995094)—**

		DELETE	INSERT
	STATE COURT SYSTEM		
	Program: Supreme Court		
	Court Operations - Supreme Court 22010100		
	In Section 07 On Page 374		
3208	Special Categories 100777		
	Contracted Services IOEA		
2057	From State Courts Revenue Trust	464,679	664,679
	Fund		
	CA 200,000 FSI1 200,000		

Immediately following Specific Appropriation 3208, INSERT:

From the funds in specific appropriation 3208, \$200,000 is provided for the creation of an Innocence Commission within the Supreme Court to study the causes of wrongful conviction and subsequent incarceration.

Program: Trial Courts  
Court Operations - Circuit Courts 22300100

In Section 07 On Page 378  
3245 Special Categories 100777  
Contracted Services IOEA

2057 From State Courts Revenue Trust 3,811,756 3,611,756  
Fund  
CA -200,000 FSI1 -200,000

**MOTION**

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

Senator Lawson moved the following amendment which was adopted:

**Amendment 27 (995095)—**

In Section On Page 396  
Delete the existing proviso in SECTION 93, page 396.

and insert:

SECTION 93. The nonrecurring sum of \$20,000,000 is appropriated from the General Revenue Fund to restore reductions in the Department of Corrections for Fiscal Year 2010-11:

DEPARTMENT OF CORRECTIONS  
Restores 393 Correctional Officer Positions.....\$20,000,000

**MOTION**

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

Senator Alexander moved the following amendment which was adopted:

**Amendment 28 (995102)—**

LEGISLATIVE BRANCH  
Auditing Committee 11980000  
In Section 06 On Page 345  
2789 Lump Sum 093900  
Auditing Committee IOEA

IMMEDIATELY FOLLOWING SPECIFIC APPROPRIATION 2789, INSERT:

From the funds in Specific Appropriation 2789, the Joint Legislative Auditing Committee shall contract for the development of a policy paper with a independent research entity that has the resources and skills to identify best practices in the delivery of prison operations, both private and public. In developing the policy paper, the selected contractor shall:

- (1) analyze prison management experiences in other states on economic, legal and practical grounds;
- (2) assemble and summarize the studies and best practices in corrections management, both private and public;
- (3) discuss the differences among the approaches to prison management and between private and public prison management;
- (4) analyze other benefits besides cost considerations in prison contracting;
- (5) identify ways Florida can benefit from cost savings and best practices by adopting best prison management methods for use in public and private prisons;
- (6) provide policy recommendations on ways Florida can benefit from cost savings and best practices in prison operations; and,
- (7) identify the types of inmate bed, composition of inmate population, and facility size best operated by the public and private sector.

The policy paper shall be submitted to the Speaker of the House of Representatives and the President of the Senate no later than February

28, 2011.

On motion by Senator Alexander, by two-thirds vote **SB 2700** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

**SB 2702**—A bill to be entitled An act implementing the 2010-2011 General Appropriations Act; providing legislative intent; amending s. 216.292, F.S.; delaying the expiration of provisions providing for the Legislative Budget Commission to review and approve recommendations by the Governor for fixed capital outlay projects funded by grants awarded from the American Recovery and Reinvestment Act of 2009; authorizing the Executive Office of the Governor to transfer funds appropriated for the American Recovery and Reinvestment Act of 2009 in traditional appropriation categories in the General Appropriations Act to appropriation categories established for the specific purpose of tracking funds appropriated pursuant to that act; providing for future expiration; amending s. 110.123, F.S., relating to the state group insurance program; requiring that, for the 2010-2011 fiscal year only, the state contribution toward the cost of a plan is the difference between the overall premium and the employee contribution; authorizing the Executive Office of the Governor to transfer funds between departments for purposes of aligning amounts paid for risk management premiums and for purposes of aligning amounts paid for human resource management services; providing that the annual salary of the members of the Legislature be reduced by 7 percent; providing for future expiration; amending s. 112.24, F.S.; delaying the expiration of provisions providing conditions on the assignment of an employee of a state agency without reimbursement from the receiving agency; reenacting s. 215.32(2)(b), F.S., relating to the source and use of certain trust funds in order to implement the transfer of moneys in the General Revenue Fund from trust funds in the 2010-2011 General Appropriations Act; reenacting s. 215.5601(4)(b), F.S., relating to the administration of the Lawton Chiles Endowment Fund; providing a statement of public interest with respect to the issuance of new debt to address a critical state emergency; requiring that the Office of State Courts Administrator report to the Legislature the number of assigned new and reopened cases and the number of cases closed by each judge in each division and circuit for a specified period; authorizing the Department of Corrections and the Department of Juvenile Justice to use certain appropriated funds to assist in defraying the costs incurred by a county or a municipality to open or operate certain facilities; limiting the amount of such assistance; providing for the expiration of the authority to provide the assistance; amending s. 29.008, F.S.; providing counties with an exemption from the requirement to annually increase certain expenditures by a specified percentage for the 2010-2011 fiscal year; amending s. 216.262, F.S.; delaying the expiration of provisions directing the Department of Corrections to seek a budget amendment for additional positions and appropriations if the inmate population exceeds a certain estimate under certain circumstances; authorizing the Department of Legal Affairs to spend certain appropriated funds on programs that were funded by the department from specific appropriations in general appropriations acts

in prior years; providing for the expiration of the authority to spend those appropriations; amending s. 394.908, F.S.; delaying the expiration of a provision requiring that funds appropriated for forensic mental health treatment services be allocated to certain areas of the state; prohibiting a state agency from adopting or implementing a rule or policy that mandates new nitrogen-reduction limits that apply to existing or new onsite sewage treatment systems, has the effect of requiring the use of performance-based treatment systems, or increases the cost of treatment for nitrogen reduction from onsite systems before a specified study is completed; providing for future expiration; amending s. 253.034, F.S.; delaying the expiration of provisions authorizing the deposit of funds derived from the sale of property by the Department of Citrus into the Citrus Advertising Trust Fund; reenacting s. 255.518(1)(b), F.S., relating to the payment of obligations during the construction of a facility financed by such obligations; providing for the future expiration of certain amendments to such provision and for the reversion of statutory text; amending s. 373.59, F.S.; delaying the expiration of provisions providing for the allocation of moneys from the Water Management Lands Trust Fund for certain purposes; amending s. 375.041, F.S.; providing for the transfer of moneys from the Land Acquisition Trust Fund to support the Clean Water State Revolving Fund and Drinking Water State Revolving Fund programs, rather than to the Ecosystem Management and Restoration Trust Fund for grants and aids to local governments for water projects; providing for future expiration; reenacting s. 403.1651(1)(g), F.S., relating to the use of funds from the Ecosystem Management and Restoration Trust Fund for the purpose of funding activities to preserve and repair the state's beaches; providing for future expiration of certain amendments to such provision and for the reversion of statutory text; amending s. 403.1651, F.S.; providing for the transfer of moneys from the Ecosystem Management and Restoration Trust Fund to the General Inspection Trust Fund for the Farm Share, Food Banks, and Mosquito Control program and the Technological Research and Development Authority; providing for future expiration; amending s. 570.20, F.S.; delaying the expiration of provisions authorizing the Department of Agriculture and Consumer Services to use funds from the General Inspection Trust Fund for certain programs; amending s. 403.7095, F.S.; delaying the expiration of provisions requiring that the Department of Environmental Protection award a specified amount in grants equally to certain counties for waste tire and litter prevention, recycling education, and general solid waste programs; authorizing the Department of Agriculture and Consumer Services to extend, revise, and renew current contracts or agreements created or entered into for the purpose of promoting agriculture; providing for future expiration; requiring the Executive Office of the Governor to sell the King Air 350 airplane; requiring the receipts from the sale of the airplane to be deposited into the Bureau of Aircraft Trust Fund; requiring the Department of Financial Services to issue a solicitation for office supplies and award a multiple supplier contract by a specified date; amending s. 339.135, F.S.; delaying the expiration of provisions requiring that the Department of Transportation transfer funds to the Office of Tourism, Trade, and Economic Development for the purpose of funding transportation-related needs of economic development; authorizing such funds to be used for the additional purposes of space and aerospace infrastructure and urban redevelopment infrastructure projects; amending s. 339.08, F.S.; delaying the expiration of provisions relating to the use of moneys in the State Transportation Trust Fund for certain administrative expenses; delaying the expiration of provisions authorizing the Department of Transportation to use moneys from the State Transportation Trust Fund to pay for county and school district transportation infrastructure improvements; amending s. 445.009, F.S.; delaying the expiration of provisions designating participants in an adult or youth work experience activity under ch. 445, F.S., as employees of the state for purposes of workers' compensation coverage; amending s. 163.3247, F.S.; removing a provision that entitles members of the Century Commission for a Sustainable Florida to receive per diem and travel expenses; providing for future expiration of the amendment to such provision and for the reversion of statutory text; amending s. 201.15, F.S.; revising provisions relating to funds deposited into the Grants and Donations Trust Fund in the Department of Community Affairs which

are used to fund the Century Commission; providing for future expiration of the amendment to such provision and for the reversion of statutory text; amending s. 215.559, F.S.; delaying the expiration of provisions relating to the Hurricane Loss Mitigation Program; revising the amount appropriated for the purpose of inspecting and improving tie-downs for mobile homes; providing an appropriation to the State Logistics Response Center for certain purposes; providing an appropriation to be competitively bid to improve the wind resistance of residences and mobile homes; revising the amount allocated for the operational purposes; reenacting s. 332.007(8), F.S., relating to the funding of security projects at publicly owned public-use airports; providing for the future expiration of certain amendments to such provision and for the reversion of statutory text; amending s. 216.292, F.S.; authorizing the transfer of funds for fixed capital outlay between specified appropriation categories; providing for future expiration; authorizing the Executive Office of the Governor to transfer funds for use by the state's designated primary data centers, pursuant to statutory procedures for notice, review, and objection; authorizing agencies to transfer funds from data processing appropriation categories to other appropriation categories in order to support and manage computer resources, notwithstanding other provisions of law; authorizing the Executive Office of the Governor to transfer funds between agencies in order to allocate a reduction relating to SUNCOM; providing for future expiration; requiring that the Department of Juvenile Justice comply with specified reimbursement limitations with respect to payments to hospitals or health care providers for health care services; authorizing certain payments pursuant to a contracted rate only until the contract expires or is renewed; defining the term "hospital" for purposes of such limitations; providing for future expiration; providing for the effect of a veto of one or more specific appropriations or proviso provisions to which implementing language refers; providing for the continued operation of certain provisions, notwithstanding a future repeal or expiration provided by the act; providing for severability; providing for contingent retroactive application; providing an effective date.

—was read the second time by title.

**THE PRESIDENT PRESIDING**

Senator Peaden moved the following amendment which was adopted:

**Amendment 1 (311460) (with title amendment)**—Delete lines 532-545 and renumber subsequent sections.

And the title is amended as follows:

Delete lines 69-77 and insert: areas of the state; amending s. 253.034, F.S.; delaying the

On motion by Senator Alexander, by two-thirds vote **SB 2702** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

**CS for SB 1510**—A bill to be entitled An act relating to the Department of Citrus; amending s. 601.07, F.S.; revising the location of the executive offices of the Department of Citrus; providing an effective date.

—was read the second time by title. On motions by Senator Baker, by two-thirds vote **CS for SB 1510** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

**CS for SB 1508**—A bill to be entitled An act relating to the Department of Agriculture and Consumer Services; amending s. 20.14, F.S.; removing the Division of Dairy Industry within the department; amending s. 570.29, F.S.; removing the Division of Dairy Industry, to conform, and adding licensing as a division within the department; repealing ss. 570.40 and 570.41, F.S., relating to the powers and duties of the director of the Division of Dairy Industry and the qualifications and duties of the director of the Division of Dairy Industry, respectively; amending s. 570.50, F.S.; adding the inspection of dairy farms, milk plants, and milk product plants and other specified functions to the duties of the Division of Food Safety within the department; reenacting s. 570.18, F.S., relating to the organization of the Department of Agriculture and Consumer Services, to incorporate the amendments made to s. 570.29, F.S., in a reference thereto; amending s. 570.531, F.S.; providing for the Market Improvements Working Capital Trust Fund within the Department of Agriculture and Consumer Services to be the depository for funds collected by agricultural marketing facilities; deleting provisions limiting the use of trust fund moneys to certain costs associated with agricultural marketing facilities; amending s. 589.08, F.S.; deleting a requirement that the Division of Forestry within the Department of Agriculture and Consumer Services pay a portion of the gross receipts from state forests to certain fiscally constrained counties for use by the counties for school purposes; repealing s. 589.081, F.S., relating to payment of a portion of the gross receipts from Withlacoochee State Forest and the Goethe State Forest to certain fiscally constrained counties; providing an effective date.

—was read the second time by title. On motions by Senator Baker, by two-thirds vote **CS for SB 1508** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—37

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

Storms	Villalobos
Thrasher	Wise

Nays—None

**CS for SB 1514**—A bill to be entitled An act relating to recreational licenses; amending ss. 379.3511 and 379.352, F.S.; exempting the shoreline fishing license from a charge imposed to compensate the subagent or tax collector issuing the license; authorizing the subagent or tax collector to retain a portion of certain other license proceeds; amending s. 379.354, F.S.; removing the fee for an annual resident shoreline fishing license; providing an effective date.

—was read the second time by title. On motions by Senator Baker, by two-thirds vote **CS for SB 1514** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

**CS for CS for SB 1516**—A bill to be entitled An act relating to state-owned lands; amending s. 193.023, F.S.; requiring the property appraiser to physically inspect any parcel of taxable or state-owned real property upon the request of the taxpayer or owner; amending s. 193.085, F.S.; removing provisions requiring the Department of Revenue to notify property appraisers of state ownership of real property; requiring local governments to notify property appraisers of lands owned by the local government; amending s. 213.053, F.S.; authorizing the Department of Revenue to disclose certain information to the Department of Environmental Protection regarding state-owned lands; amending s. 216.0152, F.S.; requiring the Division of State Lands in the Department of Environmental Protection rather than the Department of Management Services to develop and maintain an automated inventory of all facilities owned, leased, rented, or otherwise occupied or maintained by any agency of the state; requiring that the facilities inventory data be provided to the department on or before a specified date each year by the owning or operating state agency; requiring the division to adopt rules; directing the department to update its inventory with information concerning the physical condition of facilities that have 3,000 square feet or more of usable space; requiring the department to submit an annual report to the Governor and Legislature which lists the state-owned real property recommended for disposition; amending s. 253.03, F.S.; requiring the Department of Revenue to furnish, in electronic form, annual current tax roll data for public lands to the Board of Trustees of the Internal Improvement Trust Fund to be used in compiling the inventory of public lands; requiring the board to use tax roll data from the Department of Revenue to assist in the identification and confirmation of publicly held lands; amending s. 253.034, F.S.; removing provisions relating to an inventory of public lands, including federal lands, within the state; requiring that a building or parcel of land be offered for lease to state agencies, state universities, and community colleges before being offered for lease, sublease, or sale to a local or federal unit of government or a private party; requiring that priority consideration for such a lease be given to state universities and community colleges; re-

quiring that a state university or community college submit a plan regarding the intended use of such building or parcel of land for review and approval by the Board of Trustees of the Internal Improvement Trust Fund before approval of a lease; providing that priority consideration be given to the University of South Florida Polytechnic for the lease of vacant land and buildings located at the G. Pierce Wood facility in DeSoto County; providing for future expiration; creating the comprehensive state-owned real property system; directing the Department of Environmental Protection to create, administer, operate, and maintain a comprehensive system for all state lands and real property leased, owned, rented, or otherwise occupied or maintained by any state agency or the judicial branch; providing for a database of all real property owned or leased by the state; requiring all state agencies to enter required real property information into the comprehensive state-owned real property system; describing the principal objectives of the comprehensive state-owned real property system; setting forth the timeframes in which the department must complete the comprehensive state-owned real property system; requiring the department to report to the Governor and Legislature by a specified date; providing for an executive steering committee for management of the comprehensive state-owned real property system; describing the composition of the executive steering committee; setting forth the responsibilities of the executive steering committee; creating a project management team to work under the direction of the executive steering committee; requiring the project management team to be headed by a full-time project manager and to consist of senior managers and personnel appointed by members of the executive steering committee; setting forth the responsibilities of the project management team; providing an effective date.

—was read the second time by title.

**MOTION**

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

Senator Baker moved the following amendment which was adopted:

**Amendment 1 (780050) (with title amendment)**—Delete lines 166-168 and insert: *For reporting purposes*, the Department of Transportation shall develop and maintain an inventory of transportation facilities of the state transportation system. *The Department of Transportation shall also identify and dispose of surplus property pursuant to ss. 337.25 and 339.04.* The Board of Governors of the State

And the title is amended as follows:

Delete line 23 and insert: the owning or operating state agency; requiring that the Department of Transportation identify and dispose of surplus property pursuant to ss. 337.25 and 339.04, F.S.; requiring the

On motions by Senator Baker, by two-thirds vote **CS for CS for SB 1516** as amended was read the third time by title, passed, ordered engrossed and then immediately certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

**CS for SB 1592**—A bill to be entitled An act relating to fiscally constrained counties; amending s. 218.12, F.S.; providing for the determination by a fiscally constrained county of the reduction in ad valorem revenues resulting from the implementation of a provision of the State Constitution; providing an effective date.

—was read the second time by title.

**MOTION**

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

Senator Aronberg moved the following amendment which was adopted:

**Amendment 1 (110444) (with title amendment)**—Between lines 62 and 63 insert:

Section 2. Section 218.075, Florida Statutes, is amended to read:

218.075 Reduction or waiver of permit processing fees.—Notwithstanding any other provision of law, the Department of Environmental Protection and the water management districts shall reduce or waive permit processing fees for counties with a population of 50,000 or less on April 1, 1994, until such counties exceed a population of 75,000 and municipalities with a population of 25,000 or less, or an entity created by special act or local ordinance or interlocal agreement of such counties or municipalities or any county or municipality not included within a metropolitan statistical area. Fee reductions or waivers shall be approved on the basis of fiscal hardship or environmental need for a particular project or activity. The governing body must certify that the cost of the permit processing fee is a fiscal hardship due to one of the following factors:

- (1) Per capita taxable value is less than the statewide average for the current fiscal year;
- (2) Percentage of assessed property value that is exempt from ad valorem taxation is higher than the statewide average for the current fiscal year;
- (3) Any condition specified in s. 218.503(1) which results in the county or municipality being in a state of financial emergency;
- (4) Ad valorem operating millage rate for the current fiscal year is greater than 8 mills; or
- (5) A financial condition that is documented in annual financial statements at the end of the current fiscal year and indicates an inability to pay the permit processing fee during that fiscal year.

The permit applicant must be the governing body of a county or municipality or a third party under contract with a county or municipality or an entity created by special act or local ordinance or interlocal agreement and the project for which the fee reduction or waiver is sought must serve a public purpose. If a permit processing fee is reduced, the total fee shall not exceed \$100.

And the title is amended as follows:

Delete line 7 and insert: Constitution; amending s. 218.075, F.S.; requiring the Department of Environmental Protection and the water management districts to reduce or waive permit processing fees for an entity created by special act or local ordinance or interlocal agreement not included within a metropolitan statistical area; providing an effective date.

On motions by Senator Baker, by two-thirds vote **CS for SB 1592** as amended was read the third time by title, passed, ordered engrossed and then immediately certified to the House. The vote on passage was:

## Yeas—37

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

## Nays—None

**CS for CS for SB 1466**—A bill to be entitled An act relating to child welfare services and mental health and substance abuse; limiting state agency contract monitoring to once every 3 years if the contracted provider is subject to accreditation surveys by specified accreditation organizations; providing exceptions; allowing the establishment of an Internet-based data warehouse to maintain the records of contract providers; requiring state agencies to use the warehouse for document requests; specifying the information that such records must include; amending s. 39.301, F.S.; creating a family needs assistance referral pilot program; providing that the program be funded by existing resources; requiring that the Department of Children and Family Services and each community-based care lead agency maintain up-to-date documentation; requiring that such documentation contain specified information; requiring that the department submit a report to the Legislature by a specified date; amending s. 402.7305, F.S.; limiting the Department of Children and Family Services to one contract monitoring of a child-caring or child-placing contract provider per year; amending s. 409.1671, F.S.; providing funding requirements for contracts for foster care and related services; authorizing a community-based care lead agency to carry forward certain unexpended state funds; authorizing certain advance payments to a lead agency; authorizing the department to outsource certain oversight duties; specifying certain allowable expenses; prohibiting certain expenditures; repealing s. 394.655, F.S., relating to the Florida Substance Abuse and Mental Health Corporation; providing an effective date.

—was read the second time by title. On motion by Senator Peaden, by two-thirds vote **CS for CS for SB 1466** was read the third time by title, passed and certified to the House. The vote on passage was:

## Yeas—37

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

## Nays—None

**CS for CS for SB 1468**—A bill to be entitled An act relating to home and community-based services; amending s. 393.0661, F.S.; reducing the annual maximum expenditure to each client assigned by the Agency for

Persons With Disabilities to tier one, tier two, tier three, and tier four level services; eliminating behavior assistant services in certain group homes as a deliverable service to eligible clients; creating s. 393.0662, F.S.; establishing the iBudget program for the delivery of home and community-based services; providing for amendment of current contracts to implement the iBudget system; providing for the phasing in of the program; requiring clients to use certain resources before using funds from their iBudget; requiring the agency to provide training for clients and evaluate and adopt rules with respect to the iBudget system; providing a contingent effective date.

—was read the second time by title. On motion by Senator Peaden, by two-thirds vote **CS for CS for SB 1468** was read the third time by title, passed and certified to the House. The vote on passage was:

## Yeas—26

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

## Nays—10

Aronberg	Joyner	Smith
Bullard	Justice	Sobel
Dockery	Oelrich	
Gelber	Rich	

## Vote after roll call:

Yea to Nay—Ring

**CS for CS for SB 1484**—A bill to be entitled An act relating to Medicaid; amending s. 409.912, F.S.; authorizing the Agency for Health Care Administration to contract with an entity for the provision of comprehensive behavioral health care services to certain Medicaid recipients who are not enrolled in a Medicaid managed care plan or a Medicaid provider service network under certain circumstances; requiring the agency to impose a fine against a person under contract with the agency who violates certain provisions; requiring an entity that contracts with the agency as a managed care plan to post a surety bond with the agency or maintain an account of a specified sum; requiring the agency to pursue the entity if the entity terminates the contract with the agency before the end date of the contract; amending s. 409.91211, F.S.; extending by 3 years the statewide implementation of an enhanced service delivery system for the Florida Medicaid program; providing for the expansion of the pilot project into counties that have two or more plans and the capacity to serve the designated population; requiring that the agency provide certain specified data to the recipient when selecting a capitated managed care plan; revising certain requirements for entities performing choice counseling for recipients; requiring the agency to provide behavioral health care services to Medicaid-eligible children; extending a date by which the behavioral health care services will be delivered to children; deleting a provision under which certain Medicaid recipients who are not currently enrolled in a capitated managed care plan upon implementation are not eligible for specified services for the amount of time that the recipients do not enroll in a capitated managed care network; authorizing the agency to extend the time to continue operation of the pilot program; requiring that the agency seek public input on extending and expanding the managed care pilot program and post certain information on its website; amending s. 409.9122, F.S.; providing that time allotted to any Medicaid recipient for the selection of, enrollment in, or disenrollment from a managed care plan or Medi-Pass is tolled throughout any month in which the enrollment broker or

choice counseling provider adversely affects a beneficiary's ability to access choice counseling or enrollment broker services by its failure to comply with the terms and conditions of its contract with the agency or has otherwise acted or failed to act in a manner that the agency deems likely to jeopardize its ability to perform certain assigned responsibilities; requiring the agency to incorporate certain provisions after a specified date in its contracts related to sanctions or fines for any action or the failure to act on the part of an enrollment broker or choice counselor provider; providing an effective date.

—was read the second time by title.

Senator Sobel moved the following amendment which failed:

**Amendment 1 (620178) (with title amendment)**—Delete lines 443-445 and insert: *have capacity to serve the designated population projects. In order to ensure that the program operates in a transparent manner with legislative oversight, the agency may expand to additional counties upon prior approval from the Legislature as plan capacity is developed. Statewide phase in to additional counties shall be*

And the title is amended as follows:

Delete line 22 and insert: *designated population; authorizing the agency, upon prior approval of the Legislature, to expand to additional counties as plan capacity is developed; requiring that the agency*

#### MOTION

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

Senator Negron moved the following amendment which was adopted:

**Amendment 2 (818288) (with title amendment)**—Delete line 1074 and insert:

Section 4. Section 624.35, Florida Statutes, is created to read:

*624.35 Short title.—Sections 624.35-624.352 may be cited as the "Medicaid and Public Assistance Fraud Strike Force Act."*

Section 5. Section 624.351, Florida Statutes, is created to read:

*624.351 Medicaid and Public Assistance Fraud Strike Force.—*

(1) **LEGISLATIVE FINDINGS.**—*The Legislature finds that there is a need to develop and implement a statewide strategy to coordinate state and local agencies, law enforcement entities, and investigative units in order to increase the effectiveness of programs and initiatives dealing with the prevention, detection, and prosecution of Medicaid and public assistance fraud.*

(2) **ESTABLISHMENT.**—*The Medicaid and Public Assistance Fraud Strike Force is created within the department to oversee and coordinate state and local efforts to eliminate Medicaid and public assistance fraud and to recover state and federal funds. The strike force shall serve in an advisory capacity and provide recommendations and policy alternatives to the Chief Financial Officer.*

(3) **MEMBERSHIP.**—*The strike force shall consist of the following 11 members who may not designate anyone to serve in their place:*

- (a) *The Chief Financial Officer, who shall serve as chair.*
- (b) *The Attorney General, who shall serve as vice chair.*
- (c) *The executive director of the Department of Law Enforcement.*
- (d) *The Secretary of Health Care Administration.*
- (e) *The Secretary of Children and Family Services.*
- (f) *The State Surgeon General.*

(g) *Five members appointed by the Chief Financial Officer, consisting of two sheriffs, two chiefs of police, and one state attorney. When making*

*these appointments, the Chief Financial Officer shall consider representation by geography, population, ethnicity, and other relevant factors in order to ensure that the membership of the strike force is representative of the state as a whole.*

(4) **TERMS OF MEMBERSHIP; COMPENSATION; STAFF.**—

(a) *The five members appointed by the Chief Financial Officer will serve 4-year terms; however, for the purpose of providing staggered terms, of the initial appointments, two members will be appointed to a 2-year term, two members will be appointed to a 3-year term, and one member will be appointed to a 4-year term. The remaining members are standing members of the strike force and may not serve beyond the time he or she holds the position that was the basis for strike force membership. A vacancy shall be filled in the same manner as the original appointment but only for the unexpired term.*

(b) *The Legislature finds that the strike force serves a legitimate state, county, and municipal purpose and that service on the strike force is consistent with a member's principal service in a public office or employment. Therefore membership on the strike force does not disqualify a member from holding any other public office or from being employed by a public entity, except that a member of the Legislature may not serve on the strike force.*

(c) *Members of the strike force shall serve without compensation, but are entitled to reimbursement for per diem and travel expenses pursuant to s. 112.061. Reimbursements may be paid from appropriations provided to the department by the Legislature for the purposes of this section.*

(d) *The Chief Financial Officer shall appoint a chief of staff for the strike force who must have experience, education, and expertise in the fields of law, prosecution, or fraud investigations and shall serve at the pleasure of the Chief Financial Officer. The department shall provide the strike force with staff necessary to assist the strike force in the performance of its duties.*

(5) **MEETINGS.**—*The strike force shall hold its organizational session by March 1, 2011. Thereafter, the strike force shall meet at least four times per year. Additional meetings may be held if the chair determines that extraordinary circumstances require an additional meeting. Members may appear by electronic means. A majority of the members of the strike force constitutes a quorum.*

(6) **STRIKE FORCE DUTIES.**—*The strike force shall provide advice and make recommendations, as necessary, to the Chief Financial Officer.*

(a) *The strike force may advise the Chief Financial Officer on initiatives that include, but are not limited to:*

1. *Conducting a census of local, state, and federal efforts to address Medicaid and public assistance fraud in this state, including fraud detection, prevention, and prosecution, in order to discern overlapping missions, maximize existing resources, and strengthen current programs.*

2. *Developing a strategic plan for coordinating and targeting state and local resources for preventing and prosecuting Medicaid and public assistance fraud. The plan must identify methods to enhance multiagency efforts that contribute to achieving the state's goal of eliminating Medicaid and public assistance fraud.*

3. *Identifying methods to implement innovative technology and data sharing in order to detect and analyze Medicaid and public assistance fraud with speed and efficiency.*

4. *Establishing a program to provide grants to state and local agencies that develop and implement effective Medicaid and public assistance fraud prevention, detection, and investigation programs, which are evaluated by the strike force and ranked by their potential to contribute to achieving the state's goal of eliminating Medicaid and public assistance fraud. The grant program may also provide startup funding for new initiatives by local and state law enforcement or administrative agencies to combat Medicaid and public assistance fraud.*

5. *Developing and promoting crime prevention services and educational programs that serve the public, including, but not limited to, a well-publicized rewards program for the apprehension and conviction of criminals who perpetrate Medicaid and public assistance fraud.*

6. *Providing grants, contingent upon appropriation, for multiagency or state and local Medicaid and public assistance fraud efforts, which include, but are not limited to:*

a. *Providing for a Medicaid and public assistance fraud prosecutor in the Office of the Statewide Prosecutor.*

b. *Providing assistance to state attorneys for support services or equipment, or for the hiring of assistant state attorneys, as needed, to prosecute Medicaid and public assistance fraud cases.*

c. *Providing assistance to judges for support services or for the hiring of senior judges, as needed, so that Medicaid and public assistance fraud cases can be heard expeditiously.*

(b) *The strike force shall receive periodic reports from state agencies, law enforcement officers, investigators, prosecutors, and coordinating teams regarding Medicaid and public assistance criminal and civil investigations. Such reports may include discussions regarding significant factors and trends relevant to a statewide Medicaid and public assistance fraud strategy.*

(7) **REPORTS.**—*The strike force shall annually prepare and submit a report on its activities and recommendations, by October 1, to the President of the Senate, the Speaker of the House of Representatives, the Governor, and the chairs of the House of Representatives and Senate committees that have substantive jurisdiction over Medicaid and public assistance fraud.*

Section 6. Section 624.352, Florida Statutes, is created to read:

624.352 *Interagency agreements to detect and deter Medicaid and public assistance fraud.—*

(1) *The Chief Financial Officer shall prepare model interagency agreements for the coordination of prevention, investigation, and prosecution of Medicaid and public assistance fraud to be known as “Strike Force” agreements. Parties to such agreements may include any agency that is headed by a Cabinet officer, the Governor, the Governor and Cabinet, a collegial body, or any federal, state, or local law enforcement agency.*

(2) *The agreements must include, but are not limited to:*

(a) *Establishing the agreement’s purpose, mission, authority, organizational structure, procedures, supervision, operations, deputations, funding, expenditures, property and equipment, reports and records, assets and forfeitures, media policy, liability, and duration.*

(b) *Requiring that parties to an agreement have appropriate powers and authority relative to the purpose and mission of the agreement.*

Section 7. Section 16.59, Florida Statutes, is amended to read:

16.59 **Medicaid fraud control.**—*The Medicaid Fraud Control Unit* ~~There is created in the Department of Legal Affairs to the Medicaid Fraud Control Unit, which may investigate all violations of s. 409.920 and any criminal violations discovered during the course of those investigations. The Medicaid Fraud Control Unit may refer any criminal violation so uncovered to the appropriate prosecuting authority. The offices of the Medicaid Fraud Control Unit, and the offices of the Agency for Health Care Administration Medicaid program integrity program, and the Divisions of Insurance Fraud and Public Assistance Fraud within the Department of Financial Services shall, to the extent possible, be collocated; however, positions dedicated to Medicaid managed care fraud within the Medicaid Fraud Control Unit shall be collocated with the Division of Insurance Fraud. The Agency for Health Care Administration, and the Department of Legal Affairs, and the Divisions of Insurance Fraud and Public Assistance Fraud within the Department of Financial Services shall conduct joint training and other joint activities designed to increase communication and coordination in recovering overpayments.~~

Section 8. Paragraph (o) is added to subsection (2) of section 20.121, Florida Statutes, to read:

20.121 **Department of Financial Services.**—*There is created a Department of Financial Services.*

(2) **DIVISIONS.**—*The Department of Financial Services shall consist of the following divisions:*

(o) *The Division of Public Assistance Fraud.*

Section 9. Paragraph (b) of subsection (7) of section 411.01, Florida Statutes, is amended to read:

411.01 **School readiness programs; early learning coalitions.—**

(7) **PARENTAL CHOICE.—**

(b) *If it is determined that a provider has provided any cash to the beneficiary in return for receiving the purchase order, the early learning coalition or its fiscal agent shall refer the matter to the Department of Financial Services pursuant to s. 414.411* ~~Division of Public Assistance Fraud~~ *for investigation.*

Section 10. Subsection (2) of section 414.33, Florida Statutes, is amended to read:

414.33 **Violations of food stamp program.—**

(2) *In addition, the department shall establish procedures for referring to the Department of Law Enforcement any case that involves a suspected violation of federal or state law or rules governing the administration of the food stamp program to the Department of Financial Services pursuant to s. 414.411.*

Section 11. Subsection (9) of section 414.39, Florida Statutes, is amended to read:

414.39 **Fraud.—**

(9) *All records relating to investigations of public assistance fraud in the custody of the department and the Agency for Health Care Administration are available for examination by the Department of Financial Services Law Enforcement pursuant to s. 414.411 943.401 and are admissible into evidence in proceedings brought under this section as business records within the meaning of s. 90.803(6).*

Section 12. Section 943.401, Florida Statutes, is transferred, renumbered as section 414.411, Florida Statutes, and amended to read:

414.411 ~~943.401~~ **Public assistance fraud.—**

(1)(a) ~~The Department of Financial Services Law Enforcement shall investigate all public assistance provided to residents of the state or provided to others by the state. In the course of such investigation the department of Law Enforcement shall examine all records, including electronic benefits transfer records and make inquiry of all persons who may have knowledge as to any irregularity incidental to the disbursement of public moneys, food stamps, or other items or benefits authorizations to recipients.~~

(b) ~~All public assistance recipients, as a condition precedent to qualification for public assistance received and as defined under the provisions of chapter 409, chapter 411, or this chapter 414, must shall first give in writing, to the Agency for Health Care Administration, the Department of Health, the Agency for Workforce Innovation, and the Department of Children and Family Services, as appropriate, and to the Department of Financial Services Law Enforcement, consent to make inquiry of past or present employers and records, financial or otherwise.~~

(2) *In the conduct of such investigation the Department of Financial Services Law Enforcement may employ persons having such qualifications as are useful in the performance of this duty.*

(3) *The results of such investigation shall be reported by the Department of Financial Services Law Enforcement to the appropriate legislative committees, the Agency for Health Care Administration, the Department of Health, the Agency for Workforce Innovation, and the Department of Children and Family Services, and to such others as the department of Law Enforcement may determine.*

(4) *The Department of Health and the Department of Children and Family Services shall report to the Department of Financial Services Law Enforcement the final disposition of all cases wherein action has*

been taken pursuant to s. 414.39, based upon information furnished by the Department of *Financial Services Law Enforcement*.

(5) All lawful fees and expenses of officers and witnesses, expenses incident to taking testimony and transcripts of testimony and proceedings are a proper charge to the Department of *Financial Services Law Enforcement*.

(6) The provisions of this section shall be liberally construed in order to carry out effectively the purposes of this section in the interest of protecting public moneys and other public property.

Section 13. *Review of the Medicaid fraud and abuse processes.—*

(1) *The Auditor General and the Office of Program Policy Analysis and Government Accountability shall review and evaluate the Agency for Health Care Administration's Medicaid fraud and abuse systems, including the Medicaid program integrity program. The reviewers may access Medicaid-related information and data from the Attorney General's Medicaid Fraud Control Unit, the Department of Health, the Department of Elderly Affairs, the Agency for Persons with Disabilities, and the Department of Children and Family Services, as necessary, to conduct the review. The review must include, but is not limited to:*

(a) *An evaluation of current Medicaid policies and the Medicaid fiscal agent;*

(b) *An analysis of the Medicaid fraud and abuse prevention and detection processes, including agency contracts, Medicaid databases, and internal control risk assessments;*

(c) *A comprehensive evaluation of the effectiveness of the current laws, rules, and contractual requirements that govern Medicaid managed care entities;*

(d) *An evaluation of the agency's Medicaid managed care oversight processes;*

(e) *Recommendations to improve the Medicaid claims adjudication process, to increase the overall efficiency of the Medicaid program, and to reduce Medicaid overpayments; and*

(f) *Operational and legislative recommendations to improve the prevention and detection of fraud and abuse in the Medicaid managed care program.*

(2) *The Auditor General's Office and the Office of Program Policy Analysis and Government Accountability may contract with technical consultants to assist in the performance of the review. The Auditor General and the Office of Program Policy Analysis and Government Accountability shall report to the President of the Senate, the Speaker of the House of Representatives, and the Governor by December 1, 2011.*

Section 14. *Medicaid claims adjudication project.—The Agency for Health Care Administration shall issue a competitive procurement pursuant to chapter 287, Florida Statutes, with a third-party vendor, at no cost to the state, to provide a real-time, front-end database to augment the Medicaid fiscal agent program edits and claims adjudication process. The vendor shall provide an interface with the Medicaid fiscal agent to decrease inaccurate payment to Medicaid providers and improve the overall efficiency of the Medicaid claims-processing system.*

Section 15. *All powers, duties, functions, records, offices, personnel, property, pending issues and existing contracts, administrative authority, administrative rules, and unexpended balances of appropriations, allocations, and other funds relating to public assistance fraud in the Department of Law Enforcement are transferred by a type two transfer, as defined in s. 20.06(2), Florida Statutes, to the Division of Public Assistance Fraud in the Department of Financial Services.*

Section 16. Except for sections 1, 2, 3, and 13 of this act and this section, which shall take effect July 1, 2010, sections 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, and 15 shall take effect January 1, 2011.

And the title is amended as follows:

Delete lines 55 and 56 and insert: broker or choice counselor provider; creating s. 624.35, F.S.; providing a short title; creating s. 624.351, F.S.; providing legislative intent; establishing the Medicaid and Public

Assistance Fraud Strike Force within the Department of Financial Services to coordinate efforts to eliminate Medicaid and public assistance fraud; providing for membership; providing for meetings; specifying duties; requiring an annual report to the Legislature and Governor; creating s. 624.352, F.S.; directing the Chief Financial Officer to prepare model interagency agreements that address Medicaid and public assistance fraud; specifying which agencies can be a party to such agreements; amending s. 16.59, F.S.; conforming provisions to changes made by the act; requiring the Divisions of Insurance Fraud and Public Assistance Fraud in the Department of Financial Services to be collocated with the Medicaid Fraud Control Unit if possible; requiring positions dedicated to Medicaid managed care fraud to be collocated with the Division of Insurance Fraud; amending s. 20.121, F.S.; establishing the Division of Public Assistance Fraud within the Department of Financial Services; amending ss. 411.01, 414.33, and 414.39, F.S.; conforming provisions to changes made by the act; transferring, renumbering, and amending s. 943.401, F.S.; directing the Department of Financial Services rather than the Department of Law Enforcement to investigate public assistance fraud; directing the Auditor General and the Office of Program Policy Analysis and Government Accountability to review the Medicaid fraud and abuse processes in the Agency for Health Care Administration; requiring a report to the Legislature and Governor by a certain date; establishing the Medicaid claims adjudication project in the Agency for Health Care Administration to decrease the incidence of inaccurate payments and to improve the efficiency of the Medicaid claims processing system; transferring activities relating to public assistance fraud from the Department of Law Enforcement to the Division of Public Assistance Fraud in the Department of Financial Services by a type two transfer; providing effective dates.

WHEREAS, Florida's Medicaid program is one of the largest in the country, serving approximately 2.7 million persons each month. The program provides health care benefits to families and individuals below certain income and resource levels. For the 2008-2009 fiscal year, the Legislature appropriated \$18.81 billion to operate the Medicaid program which is funded from general revenue, trust funds that include federal matching funds, and other state funds, and

WHEREAS, Medicaid fraud in Florida is epidemic, far-reaching, and costs the state and the Federal Government billions of dollars annually. Medicaid fraud not only drives up the cost of health care and reduces the availability of funds to support needed services, but undermines the long-term solvency of both health care providers and the state's Medicaid program, and

WHEREAS, the state's public assistance programs serve approximately 1.8 million Floridians each month by providing benefits for food, cash assistance for needy families, home health care for disabled adults, and grants to individuals and communities affected by natural disasters. For the 2008-2009 fiscal year, the Legislature appropriated \$626 million to operate public assistance programs, and

WHEREAS, public assistance fraud costs taxpayers millions of dollars annually, which significantly and negatively impacts the various assistance programs by taking dollars that could be used to provide services for those people who have a legitimate need for assistance, and

WHEREAS, both Medicaid and public assistance programs are vulnerable to fraudulent practices that can take many forms. For Medicaid, these practices range from providers who bill for services never rendered and who pay kickbacks to other providers for client referrals, to fraud occurring at the corporate level of a managed care organization. Fraudulent practices involving public assistance involve persons not disclosing material facts when obtaining assistance or not disclosing changes in circumstances while on public assistance, and

WHEREAS, ridding the system of perpetrators who prey on the state's Medicaid and public assistance programs helps reduce the state's skyrocketing costs, makes more funds available for essential services, and improves the quality of care and the health status of our residents, and

WHEREAS, aggressive and comprehensive measures are needed at the state level to investigate and prosecute Medicaid and public assistance fraud and to recover dollars stolen from these programs, and

WHEREAS, new statewide initiatives and coordinated efforts are necessary to focus resources in order to aid law enforcement and investigative agencies in detecting and deterring this type of fraudulent activity, NOW, THEREFORE,

On motions by Senator Peaden, by two-thirds vote **CS for CS for SB 1484** as amended was read the third time by title, passed, ordered engrossed and then immediately certified to the House. The vote on passage was:

Yeas—34

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

Nays—3

Gelber	Smith	Sobel
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**CS for CS for SB 1464**—A bill to be entitled An act relating to the Agency for Health Care Administration; amending s. 395.701, F.S.; increasing the assessments imposed on hospital inpatient and outpatient services and deposited into the Public Medical Assistance Trust Fund; amending s. 400.141, F.S.; conforming a cross-reference to changes made by the act; amending s. 400.23, F.S.; providing flexibility for nursing home facilities with respect to meeting minimum staffing requirements; amending s. 409.906, F.S.; requiring the Agency for Health Care Administration, in consultation with the Department of Elderly Affairs, to phase out certain specified programs and to transfer the Medicaid waiver recipients to other appropriate home and community-based service programs; prohibiting certain programs from accepting new members after a specified date; requiring community-based providers to assist in the transition of enrollees and cease provision of certain waiver services by a specified date; amending s. 409.9082, F.S.; revising requirements for the use of funds from nursing home quality assessments and federal matching funds; amending s. 409.9083, F.S.; revising requirements for the use of funds from quality assessments on privately operated intermediate care facility providers for the developmentally disabled and federal matching funds; amending s. 409.911, F.S.; continuing the requirements for calculating the disproportionate share funds for provider service network hospitals; amending s. 409.9112, F.S.; continuing the prohibition against distributing moneys under the perinatal intensive care centers disproportionate share program; amending s. 409.9113, F.S.; continuing authorization for the distribution of moneys to teaching hospitals under the disproportionate share program; amending s. 409.9117, F.S.; continuing the prohibition against distributing moneys for the primary care disproportionate share program; requiring each Medicaid managed care plan and provider service network to include in its provider network any pharmacy that is located in a rural county and willing to accept the reimbursement terms and conditions established by the managed care plan or provider service agreement; providing a contingent effective date.

—was read the second time by title.

#### SENATOR FASANO PRESIDING

Senator Gelber moved the following amendment:

**Amendment 1 (288756)**—Delete lines 147-168 and insert:

*a. For the period beginning July 1, 2010, and ending June 30, 2011, a minimum weekly average of certified nursing assistant and licensed nursing staffing combined of 3.9 hours of direct care per resident per day. As used in this sub-subparagraph, a week is defined as Sunday through Saturday.*

*b. A minimum certified nursing assistant staffing of 2.7 hours of direct care per resident per day. A facility may not staff below one certified nursing assistant per 20 residents.*

*c. A minimum licensed nursing staffing of 1.0 hour of direct care per resident per day. A facility may not staff below one licensed nurse per 40 residents.*

~~*a. A minimum certified nursing assistant staffing of 2.6 hours of direct care per resident per day beginning January 1, 2003, and increasing to 2.7 hours of direct care per resident per day beginning January 1, 2007. Beginning January 1, 2002, no facility shall staff below one certified nursing assistant per 20 residents, and a minimum licensed nursing staffing of 1.0 hour of direct care per resident per day but never below one licensed nurse per 40 residents.*~~

~~*d.b. Beginning July 1, 2011 January 1, 2007, a minimum weekly average certified nursing assistant staffing of 2.9 hours of direct care per resident per day. For the purpose of this sub-subparagraph, a week is defined as Sunday through Saturday.*~~

#### MOTION

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

Senator Sobel moved the following substitute amendment which failed:

**Amendment 2 (450928)**—Delete lines 147-168 and insert:

*a. For the period beginning July 1, 2010, and ending June 30, 2012, a minimum weekly average of certified nursing assistant and licensed nursing staffing combined of 3.9 hours of direct care per resident per day. As used in this sub-subparagraph, a week is defined as Sunday through Saturday.*

*b. A minimum certified nursing assistant staffing of 2.7 hours of direct care per resident per day. A facility may not staff below one certified nursing assistant per 20 residents.*

*c. A minimum licensed nursing staffing of 1.0 hour of direct care per resident per day. A facility may not staff below one licensed nurse per 40 residents.*

~~*a. A minimum certified nursing assistant staffing of 2.6 hours of direct care per resident per day beginning January 1, 2003, and increasing to 2.7 hours of direct care per resident per day beginning January 1, 2007. Beginning January 1, 2002, no facility shall staff below one certified nursing assistant per 20 residents, and a minimum licensed nursing staffing of 1.0 hour of direct care per resident per day but never below one licensed nurse per 40 residents.*~~

~~*d.b. Beginning July 1, 2012 January 1, 2007, a minimum weekly average certified nursing assistant staffing of 2.9 hours of direct care per resident per day. For the purpose of this sub-subparagraph, a week is defined as Sunday through Saturday.*~~

The question recurred on **Amendment 1 (288756)** which was adopted.

#### RECONSIDERATION OF AMENDMENT

On motion by Senator Diaz de la Portilla, the Senate reconsidered the vote by which **Amendment 1 (288756)** was adopted. **Amendment 1** failed.

On motion by Senator Peaden, by two-thirds vote **CS for CS for SB 1464** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—25

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

Nays—9

Aronberg	Joyner	Ring
Bullard	Lawson	Smith
Gelber	Rich	Sobel

Vote after roll call:

- Yea—Mr. President
- Nay—Garcia, Justice
- Yea to Nay—Siplin

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**CS for SB 1396**—A bill to be entitled An act relating to incentive gain-time; amending s. 944.275, F.S.; prohibiting an inmate from receiving incentive gain-time credits for completing the requirements for and receiving a general educational development certificate or vocational certificate if the inmate was convicted of a specified offense on or after a specified date; providing an effective date.

—was read the second time by title. On motions by Senator Crist, by two-thirds vote **CS for SB 1396** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—34

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

Nays—1

Villalobos

Vote after roll call:

- Yea—Mr. President

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**CS for CS for SB 1400**—A bill to be entitled An act relating to the state judicial system; amending s. 25.241, F.S.; requiring that \$50 from the Supreme Court filing fee be deposited into the State Courts Revenue Trust Fund; amending s. 25.3844, F.S.; renaming the Operating Trust Fund in the state courts system as the “Administrative Trust Fund”; amending s. 25.386, F.S.; directing that fees from the foreign language court interpreters program be deposited into the Administrative Trust Fund within the state courts system; amending s. 27.40, F.S.; requiring private court-appointed counsel compensated by the state to maintain records and documents in a prescribed manner; providing for waiver of

the right to seek fees in excess of prescribed limits if the attorney refuses to allow the Justice Administrative Commission to review the documentation; providing that the commission’s finding of a valid waiver of fees may be overcome by competent and substantial evidence; amending s. 27.425, F.S.; eliminating a requirement for the chief judge of the judicial circuit to recommend and submit compensation rates for state-funded due process service providers; requiring the Justice Administrative Commission to approve forms and procedures governing billings for the provision of due process services; amending s. 27.511, F.S.; providing for the appointment of criminal conflict and civil regional counsel in certain proceedings under the Florida Rules of Criminal Procedure and in certain adoption proceedings; providing for private court-appointed counsel, rather than criminal conflict and civil regional counsel, to have primary responsibility for representing minors in proceedings under the Parental Notice of Abortion Act; amending s. 27.52, F.S.; requiring the clerk of the court to review certain property records in evaluating an application from a criminal defendant for a determination of indigency; providing that the Justice Administrative Commission has standing in a motion seeking to have a person declared indigent for purposes of state payment of due process costs; providing a presumption that a person is not indigent for costs if the person’s attorney’s fees are being paid from private funds at a specified level; providing that the presumption may be overcome through clear and convincing evidence; providing requirements and rates for reimbursement of due process costs; providing that a person who receives state-funded due process services after being deemed indigent for costs is liable for repayment to the state; requiring the person to submit an accounting to the court of state-paid costs; providing for the court to issue an order determining the amount of the costs; providing for creation and enforcement of a repayment lien; amending s. 27.5304, F.S.; providing for a reduction in the amount paid for an attorney’s fees, costs, and related expenses as increased penalties for submitting a bill to the state after prescribed periods; creating s. 27.5305, F.S.; prescribing conditions and requirements related to payment by the state of legal fees and the costs of due process services in certain criminal and civil cases; prescribing conditions and requirements governing electronic funds transfer, transcripts, court reporters and investigators, expert witnesses and mitigation specialists, and discovery; amending s. 28.24, F.S.; clarifying that counties are not required to spend certain funds on court-related technology for the criminal conflict and civil regional counsel; amending s. 28.241, F.S.; increasing the portion of certain filing fees to be deposited into the General Revenue Fund; providing an exception to the imposition of filing fees in certain family law cases; amending s. 28.245, F.S.; requiring that the clerks of the court transmit deposits electronically to the Department of Revenue within a specified time; amending s. 28.36, F.S.; revising the core services for the budget requests for the clerks of the court; revising the procedures for the Florida Clerks of Court Operations Corporation to release appropriations each month; providing a procedure for the corporation to follow if the projected expenditures will exceed the amount appropriated by law; amending s. 29.001, F.S.; eliminating the offices of criminal conflict and civil regional counsel from inclusion in the defined elements of the “offices of public defenders” for purposes of certain state courts system funding; amending s. 29.008, F.S.; removing criminal conflict and civil regional counsel from the definition of the term “public defender offices” in the context of county responsibility for funding court-related functions; eliminating requirements for county funding of criminal conflict and civil regional counsel; repealing s. 29.0095, F.S., relating to a requirement for chief judges, state attorneys, and public defenders to submit budget expenditure reports; amending s. 29.0195, F.S.; providing for moneys from the recovery of expenditures for state-funded services to be deposited into the Administrative Trust Fund within the state courts system; amending s. 34.041, F.S.; specifying that the prescribed filing fee for an action involving claims of not more than \$1,000 filed along with an action for replevin is the total filing fee; amending s. 35.22, F.S.; requiring that \$50 from the District Court of Appeals filing fee be deposited into the State Courts Revenue Trust Fund; amending s. 39.0134, F.S.; providing that certain parents in proceedings related to children are liable for fees and costs after receiving legal representation or due process services funded by the state; authorizing the court to

make payment of attorney's fees and costs part of a case plan in dependency proceedings; authorizing and providing for enforcement of a lien upon court-ordered payment of fees and costs; providing for deposit of fees and costs into the Indigent Civil Defense Trust Fund; amending s. 39.821, F.S.; requiring certain background screenings for persons certified as a guardian ad litem; amending s. 57.082, F.S.; prescribing circumstances for payment of an application fee when a person seeks to be determined indigent and eligible for appointment of counsel in proceedings relating to children; providing for the court to order payment of the fee and the clerk of the court to pursue collection of the fee; amending s. 316.192, F.S.; increasing the minimum fine for reckless driving; amending s. 320.02, F.S.; extending the time within which the owner of a motor vehicle registered within the state is required to notify the Department of Highway Safety and Motor Vehicles of a change of address; amending s. 320.061, F.S.; creating a noncriminal infraction for altering or obscuring a license plate or mobile home sticker; deleting the second-degree misdemeanor penalty imposed for the offense; amending s. 320.131, F.S.; creating a noncriminal traffic infraction for the unlawful use of a temporary tag; deleting the second-degree misdemeanor penalty imposed for the offense; amending s. 320.38, F.S.; extending the time within which a nonresident of the state is required to register his or her motor vehicle with the Department of Highway Safety and Motor Vehicles after commencing employment or education in the state; amending s. 322.03, F.S.; creating a noncriminal traffic infraction for a commercial motor vehicle driver who fails to surrender driver's licenses from other jurisdictions prior to issuance of a license by the Department of Highway Safety and Motor Vehicles; extending the period allowed for operating a motor vehicle following expiration of a driver's license; amending s. 322.16, F.S.; creating a noncriminal traffic infraction for persons who fail to abide by driver's license restrictions; deleting the second-degree misdemeanor penalty imposed for the offense; amending s. 394.4599, F.S., relating to the notice given to various parties upon a person's involuntary admission to a mental health facility; removing reference to the state attorney providing notice; amending s. 394.4615, F.S., relating to clinical records in cases of involuntary placement; removing the state attorney from the list of parties who are entitled to receive clinical records; amending s. 394.4655, F.S., relating to involuntary outpatient placement; removing the requirement for the clerk to provide a copy of the petition for involuntary outpatient placement to the state attorney; removing the requirement for the state attorney for the circuit in which the patient is located to represent the state in the proceeding; removing the requirement for the clerk of the court to provide copies of the certificate and treatment plan to the state attorney; amending s. 394.467, F.S., relating to involuntary inpatient placement; removing the requirement for the clerk of the court to provide a copy of the petition for involuntary inpatient placement to the state attorney; removing the requirement for the state attorney for the circuit in which the patient is located to represent the state at the hearing; amending s. 775.083, F.S.; redirecting revenues from certain criminal fines from the State Courts Revenue Trust Fund into the General Revenue Fund; repealing s. 775.08401, F.S., relating to criteria to be used by state attorneys when pursuing sanctions against habitual felony offenders and habitual violent felony offenders; repealing s. 775.087(5), F.S., relating to a provision requiring each state attorney to place in the court file a report explaining why a defendant did not receive the mandatory minimum prison sentence in cases involving certain specified offenses; amending s. 775.0843, F.S.; removing a cross-reference to conform to the repeal of the referenced statute; amending s. 938.06, F.S.; requiring the assessment of a court cost following conviction of a criminal offense; defining the term "convicted" for purposes of the assessed cost; amending s. 939.08, F.S.; authorizing a designee of the trial court administrator to review, approve, and certify certain bills related to costs, fees, or expenses of the state courts system; amending s. 939.185, F.S.; authorizing the chief judge of the circuit to determine innovations eligible for funding from a county-assessed court cost; amending s. 943.03, F.S.; requiring the Department of Law Enforcement to modify the statewide uniform statute table in its criminal history system; amending s. 943.053, F.S.; providing for a discounted fee for criminal history record checks for the guardian ad litem program; amending s. 943.0585, F.S., relating to

court-ordered expunction of criminal history records; removing the requirement for the state attorney or statewide prosecutor to provide written certified documentation to a person seeking a certificate of eligibility to expunge a criminal record; repealing s. 985.557(4), F.S., relating to a requirement for state attorneys to develop direct-file policies and guidelines for juveniles and report to the Governor and Legislature; transferring certain funds from the Operating Trust Fund to the State Courts Revenue Trust Fund and the Administrative Trust Fund within the state courts system; providing effective dates.

—was read the second time by title. On motion by Senator Crist, by two-thirds vote **CS for CS for SB 1400** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—1

Gelber

**CS for SB 1368**—A bill to be entitled An act relating to public school funding; amending s. 212.055, F.S.; deleting a requirement that school boards imposing the school capital outlay surtax freeze noncapital local school property taxes for at least 3 years; repealing s. 216.292(2)(d), F.S., relating to the transfer of funds for class size reduction; conforming provisions to changes made by the act; amending s. 1001.395, F.S.; extending the duration of a provision specifying methods to calculate the salary of a school board member; amending s. 1001.451, F.S.; removing the repeal of provisions authorizing a reduction in the incentive grants that are awarded to consortium service organizations; amending s. 1002.32, F.S.; including the millage levied for fixed capital outlay in determining the amount provided to lab schools for operating expenses; amending s. 1002.33, F.S.; requiring that a charter school comply with statutes pertaining to maximum class size; providing that certain capital outlay funds shared with a charter school-in-the-workplace before July 1, 2010, are deemed to meet certain expenditure requirements; revising requirements for calculating the administrative fee that the sponsor of a charter school may withhold and use for capital outlay purposes; amending s. 1002.37, F.S.; providing certain limitations on reporting credits earned by a student through the Florida Virtual School for purposes of funding; including the millage levied for fixed capital outlay in determining the amount provided to the Florida Virtual School for operating expenses; amending s. 1002.45, F.S.; providing for school district virtual instruction programs to include programs offered by community colleges; requiring that community college instructors meet certification requirements; prohibiting a community college from reporting students served in a school district virtual instruction program for funding under the Community College Program Fund; removing obsolete provisions requiring a report; amending ss. 1002.55 and 1002.63, F.S.; revising the requirements for private prekindergarten providers and public school-year prekindergarten programs with respect to the number of students for each class; requiring an instructor for certain classes who holds specified credentials; amending s. 1002.71, F.S.; reducing the amount of funds that an early learning coalition may retain for administrative purposes from funds paid to private prekindergarten providers and public schools; amending s. 1003.03, F.S.; revising requirements for the

Department of Education with respect to calculating the maximum class size based on student membership; deleting obsolete provisions; providing for reductions in a district's class-size-reduction operating categorical allocation under certain circumstances; providing for a budget amendment in the case of an extreme emergency and subject to approval of the Legislative Budget Commission; providing for alternative measures to take effect upon approval of an amendment to the State Constitution by the electors of the state; providing for virtual instruction courses to be included in implementing the class size maximums; amending s. 1003.492, F.S.; clarifying the duties of the Department of Education in approving the list of industry certifications for career education programs; amending s. 1006.28, F.S.; redefining the term "adequate instructional materials" to include electronic content; creating s. 1006.281, F.S.; encouraging school districts to provide access for teachers, students, and parents to an electronic learning management system; specifying the required functionality of such a system; requiring the Department of Education to assist school districts in deploying an electronic learning management system; amending s. 1006.29, F.S.; providing that instructional materials include electronic content; requiring that a publisher or manufacturer providing instructional materials as a single bundle make the materials available separately and priced individually; requiring that instructional materials adopted after a specified date for students in grades 9 through 12 be provided primarily in an electronic format; amending s. 1006.33, F.S.; requiring that an advertisement for bids for instructional materials require the bidder to furnish electronic specimen copies of the materials; requiring that district school superintendents request samples in a format other than an electronic format through the department; amending s. 1006.40, F.S.; requiring that a specified percentage of a district's annual allocation for instructional materials be used for electronic materials beginning with the 2012-2013 fiscal year; including electronic content as an approved item of instruction; amending s. 1007.27, F.S.; providing that secondary school students are authorized users of the state-funded electronic library resources licensed for public colleges and universities; providing for verification of eligibility according to rules established by the State Board of Education and the Board of Governors of the State University System; amending s. 1008.34, F.S.; providing for the calculation of certain school grades to include student completion of specified courses; amending s. 1011.03, F.S.; requiring that a district school board post its proposed millage levies on the district's website; revising the requirements for publishing the proposed levies in a newspaper; amending s. 1011.60, F.S.; deleting a requirement that the State Board of Education adopt rules governing the school term; amending s. 1011.62, F.S.; revising the requirements for calculating full-time equivalent student membership; reducing the amount authorized for teacher bonuses; requiring that a district allocate a specified percentage of funds for industry certification to the center or program that generated the funds; authorizing a district school board to use categorical funds for materials that meet the Next Generation Sunshine State Standards and for certain hardware; providing for adjusting a district's sparsity supplement based on Merit Award Program funds; clarifying that a calculation subsequent to an appropriation does not result in negative state funds for any district; amending s. 1011.64, F.S., relating to minimum classroom expenditure requirements; conforming a cross-reference; amending s. 1011.67, F.S.; removing requirements for the staggered distribution of funds to districts for instructional materials; amending s. 1011.66, F.S.; removing a provision authorizing the distribution of 60 percent of FEFP funds to a district during the first quarter of a fiscal year; amending s. 1011.68, F.S.; requiring that the allocation for student transportation be determined by the Legislature rather than based on the prior year's average student cost for transportation; amending s. 1011.71, F.S.; removing certain requirements for the additional millage levied by a district for critical capital outlay needs or critical operating needs; amending s. 1011.73, F.S., relating to district millage elections; correcting a cross-reference; amending s. 1012.33, F.S.; exempting specified reemployed instructional personnel from certain requirements for determining pay; amending s. 1012.467, F.S.; requiring school districts to accept reciprocity of level 2 screening for Florida High School Athletic Association Officials; amending s. 1012.55, F.S.; requiring that instruc-

tional personnel providing instruction through a virtual environment hold certification as otherwise required by law and rule; amending s. 1013.62, F.S.; providing that a charter school must serve students in facilities that are provided by a business partner for a charter school-in-the-workplace to be eligible for an allocation of funds for capital outlay purposes; providing for the incorporation by reference of certain calculations used by the Legislature for the 2010-2011 fiscal year; providing effective dates.

—was read the second time by title.

The Policy and Steering Committee on Ways and Means recommended the following amendments which were moved by Senator Wise and adopted:

**Amendment 1 (623280) (with directory and title amendments)**—Between lines 246 and 247 insert:

(18) FACILITIES.—

(d) Charter school facilities are exempt from assessments of fees for building permits, except as provided in s. 553.80; fees for building and occupational licenses; impact fees *or exactions*; service availability fees; and assessments for special benefits.

And the directory clause is amended as follows:

Delete line 227 and insert:

Section 6. Paragraph (a) of subsection (16), paragraph (d) of subsection (18), subsection

And the title is amended as follows:

Delete line 20 and insert: pertaining to maximum class size; revising provisions that exempt charter school facilities from certain fees; providing that

**Amendment 2 (679954) (with title amendment)**—Between lines 1841 and 1842 insert:

Section 35. Paragraph (a) of subsection (2) of section 1013.64, Florida Statutes, is amended to read:

1013.64 Funds for comprehensive educational plant needs; construction cost maximums for school district capital projects.—Allocations from the Public Education Capital Outlay and Debt Service Trust Fund to the various boards for capital outlay projects shall be determined as follows:

(2)(a) The department shall establish, as a part of the Public Education Capital Outlay and Debt Service Trust Fund, a separate account, in an amount determined by the Legislature, to be known as the "Special Facility Construction Account." The Special Facility Construction Account shall be used to provide necessary construction funds to school districts which have urgent construction needs but which lack sufficient resources at present, and cannot reasonably anticipate sufficient resources within the period of the next 3 years, for these purposes from currently authorized sources of capital outlay revenue. A school district requesting funding from the Special Facility Construction Account shall submit one specific construction project, not to exceed one complete educational plant, to the Special Facility Construction Committee. No district shall receive funding for more than one approved project in any *5-year 3-year* period. The first year of the *5-year 3-year* period shall be the first year a district receives an appropriation. The department shall encourage a construction program that reduces the average size of schools in the district. The request must meet the following criteria to be considered by the committee:

1. The project must be deemed a critical need and must be recommended for funding by the Special Facility Construction Committee. Prior to developing plans for the proposed facility, the district school board must request a preapplication review by the Special Facility Construction Committee or a project review subcommittee convened by the committee to include two representatives of the department and two staff from school districts not eligible to participate in the program. Within 60 days after receiving the preapplication review request, the

committee or subcommittee must meet in the school district to review the project proposal and existing facilities. To determine whether the proposed project is a critical need, the committee or subcommittee shall consider, at a minimum, the capacity of all existing facilities within the district as determined by the Florida Inventory of School Houses; the district's pattern of student growth; the district's existing and projected capital outlay full-time equivalent student enrollment as determined by the department; the district's existing satisfactory student stations; the use of all existing district property and facilities; grade level configurations; and any other information that may affect the need for the proposed project.

2. The construction project must be recommended in the most recent survey or surveys conducted and approved by the Office of Educational Facilities, in cooperation with the district, under the rules of the State Board of Education.

3. The construction project must appear on the district's approved project priority list under the rules of the State Board of Education.

4. The district must have selected and had approved a site for the construction project in compliance with s. 1013.36 and the rules of the State Board of Education.

5. The district shall have developed a district school board adopted list of facilities that do not exceed the norm for net square feet occupancy requirements under the State Requirements for Educational Facilities, using all possible programmatic combinations for multiple use of space to obtain maximum daily use of all spaces within the facility under consideration.

6. Upon construction, the total cost per student station, including change orders, must not exceed the cost per student station as provided in subsection (6).

7. There shall be an agreement signed by the district school board stating that it will advertise for bids within 30 days of receipt of its encumbrance authorization from the department.

8. The district must have levied during the prior 5 years and shall, at the time of the request and for a continuing period of 3 years, levy the maximum millage against their nonexempt assessed property value as allowed in s. 1011.71(2) or shall raise an equivalent amount of revenue from the school capital outlay surtax authorized under s. 212.055(6). Any district with a new or active project, funded under the provisions of this subsection, shall be required to budget no more than the value of 1.5 mills per year to the project to satisfy the annual participation requirement in the Special Facility Construction Account.

9. If a contract has not been signed 90 days after the advertising of bids, the funding for the specific project shall revert to the Special Facility New Construction Account to be reallocated to other projects on the list. However, an additional 90 days may be granted by the commissioner.

10. The department shall certify the inability of the district to fund the survey-recommended project over a continuous 3-year period using projected capital outlay revenue derived from s. 9(d), Art. XII of the State Constitution, as amended, paragraph (3)(a) of this section, and s. 1011.71(2).

11. The district shall have on file with the department an adopted resolution acknowledging its 3-year commitment of all unencumbered and future revenue acquired from s. 9(d), Art. XII of the State Constitution, as amended, paragraph (3)(a) of this section, and s. 1011.71(2).

12. Final phase III plans must be certified by the board as complete and in compliance with the building and life safety codes, and must be reviewed and approved by the Office of Educational Facilities, prior to August 1.

And the title is amended as follows:

Between lines 154 and 155 insert: amending s. 1013.64, F.S.; revising provisions relating to funding for educational facilities projects;

Senators Thrasher and Wise offered the following amendment which was moved by Senator Thrasher:

**Amendment 3 (134676) (with title amendment)**—Between lines 428 and 429 insert:

Section 9. Section 1002.46, Florida Statutes, is created to read:

1002.46 Charter virtual school.—

(1) **ESTABLISHMENT.**—A charter virtual school shall be part of the state's program of public education.

(2) **VIRTUAL INSTRUCTION.**—A provider of virtual instruction that has been approved by the Department of Education pursuant to s. 1002.45 and that has a charter school agreement approved by a district school board pursuant to s. 1002.33 may be established as a charter virtual school as provided in this section and may provide virtual instruction to students who reside in the district in which the charter is granted.

(3) **PROGRAM REQUIREMENTS.**—A charter virtual school must meet the requirements of program definitions, provider qualifications, virtual instruction, contract requirements, student participation, and assessment and accountability as provided in s. 1002.45(1)(a) and (b), (2), (3), (4), (6), and (8).

(4) **STUDENT ELIGIBILITY.**—A charter virtual school may enroll a student who resides in the school district in which the charter is granted and meets the requirements of s. 1002.45(5)(a), (b), or (c).

(5) **FUNDING.**—Funding for a charter virtual school shall be through the Florida Education Finance Program as follows:

(a) A full-time equivalent student shall be reported as required under s. 1011.61(1)(c)1.b.(III) or (IV).

(b) A charter virtual school shall report its full-time equivalent students to the school district in which the charter is granted in the manner prescribed by the Department of Education.

(c) School districts shall report charter virtual school full-time equivalent students to the Department of Education in the manner prescribed by the department and the eligible FTE shall be funded through the Florida Education Finance Program.

(d) For each eligible full-time equivalent student reported by a charter virtual school and funded in the Florida Education Finance Program, the school district shall receive an annual allocation for operation which is equivalent to the funds per unweighted student as provided to the Florida Virtual School. This amount shall be included in the basic amount to be included for operation under the Florida Education Finance Program for each district; however, these payments and full-time equivalent students may not be used for any other calculation under the Florida Education Finance Program. The school district may retain an administrative fee pursuant to s. 1002.33(20)(a) prior to the distribution of funds to the charter virtual school.

(6) **EXCEPTIONS.**—A charter virtual school is not required to meet the educational facilities or student transportation requirements for charter schools under s. 1002.33.

And the title is amended as follows:

Delete line 41 and insert: requiring a report; creating s. 1002.46, F.S.; providing for the establishment of charter virtual schools; providing requirements for participation in the program; providing requirements for student eligibility; providing for funding; providing exceptions from certain requirements; amending ss. 1002.55 and 1002.63,

## POINT OF ORDER

Senator Rich raised a point of order that pursuant to Rule 7.1 **Amendment 3 (134676)** contained language of a bill not reported favorably by a Senate committee and was therefore out of order.

The President referred the point of order and the amendment to Senator Villalobos, Chair of the Committee on Rules.

Senator Gelber moved the following amendment:

**Amendment 4 (974368) (with title amendment)**—Between lines 1851 and 1852 insert:

Section 36. *Any changes in state law regarding teacher evaluations, contracts, pay, and licensure which are contained in CS/CS/SB 6, 2nd Eng., as enacted during the 2010 Regular Session, shall be contingent upon the state being awarded and receiving funds through the United States Department of Education's Race to the Top grant program. If the state receives such funds, the provisions regarding teacher evaluations, contracts, pay, and licensure in CS/CS/SB 6, 2nd Eng., may be implemented only with the approval of a majority vote of the members of the Legislative Budget Commission.*

And the title is amended as follows:

Delete line 157 and insert: 2010-2011 fiscal year; providing that any changes in state law regarding teacher evaluations, contracts, pay, and licensure enacted by CS/CS/SB 6, 2nd Eng., are contingent upon the state receiving funds through the United States Department of Education's Race to the Top grant program; providing that if the funds are received, any such changes in state law requires approval by a majority vote of the members of the Legislative Budget Commission; providing effective dates.

### POINT OF ORDER

Senator Gaetz raised a point of order that pursuant to Rule 7.1 **Amendment 4 (974368)** was not germane to the bill.

The President referred the point of order and the amendment to Senator Villalobos, Chair of the Committee on Rules.

On motion by Senator Wise, further consideration of **CS for SB 1368** as amended with pending **Amendment 3 (134676)** and pending point of order by Senator Rich; and with pending **Amendment 4 (974368)** and pending point of order by Senator Gaetz was deferred.

**CS for SB 1344**—A bill to be entitled An act relating to higher education; amending s. 295.02, F.S.; revising provisions relating to the use of funds for providing educational opportunities and benefits to dependent children or spouses of deceased or disabled veterans; amending s. 440.491, F.S.; revising provisions relating to the training and education of injured employees; providing that training and education services may be secured from additional providers under certain circumstances; amending s. 1000.04, F.S.; revising provisions relating to public post-secondary educational institutions to include charter technical career centers and career centers operated by a school district; deleting a reference to workforce education; amending s. 1001.74, F.S.; revising the powers and duties of university boards of trustees relating to a university's contracting authority; amending s. 1004.085, F.S.; revising provisions relating to textbook affordability and the policies, procedures, and guidelines adopted by the State Board of Education and the Board of Governors; requiring policies that encourage the use of open-access textbooks; amending s. 1004.091, F.S.; revising provisions relating to the duties of the Florida Distance Learning Consortium; delaying provisions that require the consortium to develop a plan for implementing an online registration process for undergraduate students to enroll in a course listed in the Florida Higher Education Distance Learning Catalog; requiring that such plan address specified policy areas; amending s. 1009.21, F.S.; revising provisions relating to the determination of resident status for tuition purposes to include charter technical career centers and career centers operated by school districts; revising definitions to conform to changes made by the act; amending s. 1009.22, F.S.; revising provisions relating to workforce education postsecondary student fees; providing that enrollments in continuing workforce education course may not be counted for purposes of funding full-time equivalent enrollment; creating s. 1006.72, F.S.; providing legislative findings regarding the licensing of electronic library resources; requiring that the library staff of state universities, colleges, school districts, and public libraries implement an annual process identifying electronic library re-

sources for specified core categories; amending s. 1009.24, F.S.; revising provisions relating to state university student fees; authorizing the University of Florida to implement the tuition differential as a block tuition set at a specified number of hours for certain students; amending s. 1009.53, F.S.; revising provisions relating to the Florida Bright Futures Scholarship Program; requiring that students submit the Free Application for Federal Student Aid, along with a valid expected family contribution, in order to be eligible for the scholarship award; amending s. 1009.531, F.S.; revising the renewal period during which a student is eligible to receive the Florida Bright Futures Scholarship award after high school graduation; requiring that the State Board of Education base the eligibility of students to receive a Florida Academic Scholars award on SAT percentile ranks; amending s. 1009.532, F.S.; specifying circumstances under which a Florida Bright Futures Scholarship award may be renewed following its nonrenewal due to insufficient grades; reducing the maximum number of credit hours for which certain students may receive a scholarship award; amending s. 1009.534, F.S., relating to the Florida Academic Scholars award; removing an obsolete provision; removing the scheduled expiration of provisions requiring that the amount of the award be specified in the General Appropriations Act; creating s. 1009.5341, F.S.; providing that recipients of the Florida Bright Futures Scholarship award may use the unused portion of their award toward graduate study; providing certain limitations; amending s. 1009.535, F.S.; removing the scheduled expiration of provisions requiring that the amount of the Florida Medallion Scholar award be specified in the General Appropriations Act; amending s. 1009.536, F.S.; reducing the maximum number of credit hours that certain students may earn under the Florida Gold Seal Vocational Scholars award; removing the scheduled expiration of provisions requiring that the amount of the award be specified in the General Appropriations Act; repealing s. 1009.5385, F.S., relating to criteria for the use of certain scholarship funds by children of deceased or disabled veterans; amending s. 1009.72, F.S.; revising provisions relating to the Jose Marti Scholarship Challenge Grant Program; removing provisions that provide for funds appropriated by the Legislature for the program to be deposited into the State Student Financial Assistance Trust Fund; requiring that funds deposited into such trust fund be invested; authorizing the Legislature to appropriate funds from the General Revenue Fund; amending s. 1009.73, F.S.; revising provisions relating to the Mary McLeod Bethune Scholarship Program; removing provisions that provide for funds appropriated by the Legislature for the program to be deposited into the State Student Financial Assistance Trust Fund; requiring that funds deposited into such trust fund be invested; authorizing the Legislature to appropriate funds from the General Revenue Fund; amending s. 1010.62, F.S.; defining the term "auxiliary enterprise" for purposes of capital outlay projects financed pursuant to the State Bond Act; amending s. 1010.87, F.S., relating to the Workers' Compensation Administration Trust Fund within the Department of Education; providing for the reversion of certain funds at the end of the fiscal year; amending s. 1011.80, F.S.; revising provisions relating to funds for the operation of workforce education programs; requiring that expenditure for such programs be supported by fees; providing that enrollment in continuing workforce education courses may not be counted for purposes of funding full-time equivalent enrollment; creating s. 1012.885, F.S.; providing definitions; providing a limitation on the compensation paid to community college presidents; providing exceptions; requiring that the Office of Program Policy Analysis and Government Accountability conduct a review of public school adult workforce education programs and community college and state college workforce education programs; requiring that the results of such review be submitted to the Legislature by a specified date; providing an effective date.

—was read the second time by title.

Senator Hill offered the following amendment which was moved by Senator Siplin and adopted:

**Amendment 1 (477314) (with title amendment)**—Between lines 598 and 599 insert:

Section 9. Paragraph (a) of subsection (3) of section 1006.59, Florida Statutes, is amended to read:

1006.59 The Historically Black College and University Library Improvement Program.—

(3) Each institution shall submit to the State Board of Education a plan for enhancing its library through the following activities:

(a) Each institution shall increase the number of volumes by purchasing replacement books and new titles. Funds shall not be used to purchase periodicals or nonprint media. The goal of these purchases is to meet the needs of students and faculty in disciplines that have recently been added to the curriculum, in traditional academic fields that have been expanded, or in academic fields in which rapid changes in technology result in accelerated obsolescence of related library holdings.

And the title is amended as follows:

Delete line 41 and insert: funding full-time equivalent enrollment; amending s. 1006.59, F.S.; deleting a provision that prohibits institutions participating in the Historically Black College and University Library Improvement Program from using funds to purchase nonprint media; creating s.

Senator Lynn moved the following amendment which was adopted:

**Amendment 2 (402146) (with title amendment)**—Delete lines 704-886 and insert:

Section 11. Subsection (3) of section 1009.53, Florida Statutes, is amended to read:

1009.53 Florida Bright Futures Scholarship Program.—

(3) The Department of Education shall administer the Bright Futures Scholarship Program according to rules and procedures established by the State Board of Education. A single *state* application must be sufficient for a student to apply for any of the three types of awards. *For a student applying for an initial award in the 2010-2011 academic year and thereafter, in order to become eligible each year for a Bright Futures Scholarship award, the student must submit the Free Application for Federal Student Aid, along with a valid expected family contribution.* The department must advertise the availability of the scholarship program and must notify students, teachers, parents, guidance counselors, and principals or other relevant school administrators of the criteria and application procedures. The department must begin this process of notification no later than January 1 of each year.

Section 12. Subsection (2) of section 1009.531, Florida Statutes, is amended, and subsection (6) is added to that section, to read:

1009.531 Florida Bright Futures Scholarship Program; student eligibility requirements for initial awards.—

(2) *For students graduating from high school prior to the 2010-2011 academic year, a student is eligible to accept an initial award for 3 years following high school graduation and to accept a renewal award for 7 years following high school graduation. For a student who enlists in the United States Armed Forces immediately after completion of high school, the 3-year eligibility period for his or her initial award shall begin upon the date of separation from active duty. For a student who is receiving a Florida Bright Futures Scholarship and discontinues his or her education to enlist in the United States Armed Forces, the remainder of his or her 7-year renewal period shall commence upon the date of separation from active duty. For students graduating from high school in the 2010-2011 academic year and thereafter, a student is eligible to accept an initial award for 3 years after high school graduation and to accept a renewal award for 4 years after high school graduation.* A student who applies for an award by high school graduation and who meets all other eligibility requirements, but who does not accept his or her award, may reapply during subsequent application periods up to 3 years after high school graduation. For a student who enlists in the United States Armed Forces immediately after completion of high school, the 3-year eligibility period for his or her initial award shall begin upon the date of separation from active duty. For a student who is receiving a Florida Bright Futures Scholarship and discontinues his or her education to enlist in the United States Armed Forces, the remainder of his or her 4-year 7-year renewal

period shall commence upon the date of separation from active duty. *Effective for students graduating from high school in the 2010-2011 academic year and thereafter, if a course of study is not completed after 4 academic years, an exception of 1 year to the renewal timeframe may be granted due to a verifiable illness or other documented emergency pursuant to s. 1009.40(1)(b)4.*

(6)(a) *The State Board of Education shall publicize from the 2009 SAT Percentile Ranks the examination score required for a student to be eligible for a Florida Academic Scholars award pursuant to s. 1009.534(1)(a) or (b), as follows:*

1. *For high school students graduating in the 2010-2011 and 2011-2012 academic years, the student must earn a score of 1270 or a concordant ACT score of 28.*

2. *For high school students graduating in the 2012-2013 academic year, the student must earn the 88th SAT percentile rank score of 1280 or a concordant ACT score of 28.*

3. *For high school students graduating in the 2013-2014 academic year and thereafter, the student must earn the 89th SAT percentile rank score of 1290 or a concordant ACT score of 29.*

(b) *The State Board of Education shall publicize from the 2009 SAT Percentile Ranks the examination score required for a student to be eligible for a Florida Medallion Scholars award pursuant to s. 1009.535(1)(a) or (b), as follows:*

1. *For high school students graduating in the 2010-2011 academic year, the student must earn a score of 970 or a concordant ACT score of 20; or for home educated students whose parents cannot document a college-preparatory curriculum, a score of 1070 or a concordant ACT score of 23.*

2. *For high school students graduating in the 2011-2012 academic year, the student must earn the 44th SAT percentile rank score of 980 or a concordant ACT score of 21; or for home educated students whose parents cannot document a college-preparatory curriculum, a score of 1070 or a concordant ACT score of 23.*

3. *For high school students graduating in the 2012-2013 academic year, the student must earn the 50th SAT percentile rank score of 1020 or a concordant ACT score of 22; or for home educated students whose parents cannot document a college-preparatory curriculum, a score of 1070 or a concordant ACT score of 23.*

4. *For high school students graduating in the 2013-2014 academic year and thereafter, the student must earn the 56th SAT percentile rank score of 1050 or a concordant ACT score of 23; or for home educated students whose parents cannot document a college-preparatory curriculum, a score of 1100 or a concordant ACT score of 24.*

(c) *If the percentile ranks in paragraphs (a) and (b) do not exactly correspond to an SAT score, the next highest percentile rank shall be used.*

Section 13. Section 1009.532, Florida Statutes, is amended to read:

1009.532 Florida Bright Futures Scholarship Program; student eligibility requirements for renewal awards.—

(1) To be eligible to renew a scholarship from any of the three types of scholarships under the Florida Bright Futures Scholarship Program, a student must:

(a) Effective for students funded in the 2009-2010 academic year and thereafter, earn at least 24 semester credit hours or the equivalent in the last academic year in which the student earned a scholarship if the student was enrolled full time, or a prorated number of credit hours as determined by the Department of Education if the student was enrolled less than full time for any part of the academic year. *For students funded prior to the 2010-2011 academic year, if a student fails to earn the minimum number of hours required to renew the scholarship, the student shall lose his or her eligibility for renewal for a period equivalent to 1 academic year. Such student is eligible to restore the award the following academic year if the student earns the hours for which he or she was enrolled at the level defined by the department and meets the grade point average for renewal. A student is eligible for such restoration one time. The department shall notify eligible recipients of the provisions of*

this paragraph. Each institution shall notify award recipients of the provisions of this paragraph during the registration process.

(b) Maintain the cumulative grade point average required by the scholarship program, except that:

1. If a recipient's grades fall beneath the average required to renew a Florida Academic Scholarship, but are sufficient to renew a Florida Medallion Scholarship or a Florida Gold Seal Vocational Scholarship, the Department of Education may grant a renewal from one of those other scholarship programs, if the student meets the renewal eligibility requirements; or

2. For students funded prior to the 2010-2011 academic term, if, at any time during the eligibility period, a student's grades are insufficient to renew the scholarship, the student may restore eligibility by improving the grade point average to the required level. A student is eligible for such a restoration one time. The Legislature encourages education institutions to assist students to calculate whether or not it is possible to raise the grade point average during the summer term. If the institution determines that it is possible, the education institution may so inform the department, which may reserve the student's award if funds are available. The renewal, however, must not be granted until the student achieves the required cumulative grade point average. If the summer term is not sufficient to raise the grade point average to the required renewal level, the student's next opportunity for renewal is the fall semester of the following academic year. ~~;~~

~~3. If a student is receiving a Florida Bright Futures Scholarship, is a servicemember of the Florida National Guard or United States Reserves while attending a postsecondary institution, is called to active duty or state active duty, as defined in s. 250.01, prior to completing his or her degree, and meets all other requirements for the scholarship, the student shall be eligible to continue the scholarship for 2 years after completing active duty or state active duty.~~

(c) Reimburse or make satisfactory arrangements to reimburse the institution for the award amount received for courses dropped after the end of the drop and add period or courses from which the student withdraws after the end of the drop and add period unless the student has received an exception pursuant to s. 1009.53(11).

(2) Effective for students initially funded in the 2010-2011 academic term and thereafter, if a scholarship is not renewed because of lack of completion of sufficient credit hours or insufficient grades, the scholarship shall be renewed only for the following reasons:

(a) The student failed to complete sufficient credit hours, or to meet sufficient grades requirements due to verifiable illness or other documented emergency and may be granted an exception pursuant to s. 1009.40(1)(b)4.; or

(b) If a student is a servicemember of the Florida National Guard or United States Reserves while attending a postsecondary institution, is called to active duty or state active duty, as defined in s. 250.01, prior to completing his or her degree, and meets all other requirements for the scholarship, the student shall be eligible to continue the scholarship for 2 years after completing active duty or state active duty.

(3) ~~(2)~~ A student who is initially funded prior to the 2010-2011 academic year and is enrolled in a program that terminates in an associate degree or a baccalaureate degree may receive an award for a maximum of 110 percent of the number of credit hours required to complete the program. A student who is enrolled in a program that terminates in a career certificate may receive an award for a maximum of 110 percent of the credit hours or clock hours required to complete the program up to 90 credit hours. However, for a student who is initially funded in the 2010-2011 academic term and thereafter, the student may receive an award for a maximum of 100 percent of the number of credit hours required to complete an associate degree or a baccalaureate degree program, or the student may receive an award for a maximum of 100 percent of the credit hours or clock hours required to complete up to 90 credit hours of a program that terminates in a career certificate. A student who transfers from one of these program levels to another becomes eligible for the higher of the two credit hour limits.

Section 14. Subsections (1) and (5) of section 1009.534, Florida Statutes, are amended to read:

1009.534 Florida Academic Scholars award.—

(1) A student is eligible for a Florida Academic Scholars award if the student meets the general eligibility requirements for the Florida Bright Futures Scholarship Program and the student:

(a) Has achieved a 3.5 weighted grade point average as calculated pursuant to s. 1009.531, or its equivalent, in high school courses that are designated by the State Board of Education as college-preparatory academic courses; and has attained at least the score pursuant to s. 1009.531(6)(a) ~~identified by rules of the State Board of Education~~ on the combined verbal and quantitative parts of the Scholastic Aptitude Test, the Scholastic Assessment Test, or the recentered Scholastic Assessment Test of the College Entrance Examination, or an equivalent score on the ACT Assessment Program; ~~or~~

(b) Has attended a home education program according to s. 1002.41 during grades 11 and 12 or has completed the International Baccalaureate curriculum but failed to earn the International Baccalaureate Diploma or has completed the Advanced International Certificate of Education curriculum but failed to earn the Advanced International Certificate of Education Diploma, and has attained at least the score pursuant to s. 1009.531(6)(a) ~~identified by rules of the State Board of Education~~ on the combined verbal and quantitative parts of the Scholastic Aptitude Test, the Scholastic Assessment Test, or the recentered Scholastic Assessment Test of the College Entrance Examination, or an equivalent score on the ACT Assessment Program; ~~or~~

(c) Has been awarded an International Baccalaureate Diploma from the International Baccalaureate Office or an Advanced International Certificate of Education Diploma from the University of Cambridge International Examinations Office; ~~or~~

(d) Has been recognized by the merit or achievement programs of the National Merit Scholarship Corporation as a scholar or finalist; or

(e) Has been recognized by the National Hispanic Recognition Program as a scholar recipient. A student must complete a program of community service work, as approved by the district school board or the administrators of a nonpublic school, which shall include a minimum of 75 hours of service work and require the student to identify a social problem that interests him or her, develop a plan for his or her personal involvement in addressing the problem, and, through papers or other presentations, evaluate and reflect upon his or her experience.

(5) Notwithstanding subsections (2) and (4), a Florida Academic Scholar is eligible for an award equal to the amount specified in the General Appropriations Act for the 2009-2010 academic year. This subsection expires July 1, 2010.

Section 15. Section 1009.5341, Florida Statutes, is created to read:

1009.5341 Florida Bright Futures Scholarships for graduate study.— Bright Futures Scholarship recipients who graduate with a baccalaureate degree in 7 semesters or equivalent hours or fewer and wish to pursue graduate study may apply the unused portion of their academic or medallion scholarship award toward 1 semester of graduate study, not to exceed 15 semester hours paid at the undergraduate rate. A baccalaureate degree may include, but is not limited to, college credits earned through dual enrollment, SAT, and ACT examinations.

Section 16. Subsections (1) and (4) of section 1009.535, Florida Statutes, are amended to read:

1009.535 Florida Medallion Scholars award.—

(1) A student is eligible for a Florida Medallion Scholars award if the student meets the general eligibility requirements for the Florida Bright Futures Scholarship Program and the student:

(a) Has achieved a weighted grade point average of 3.0 as calculated pursuant to s. 1009.531, or the equivalent, in high school courses that are designated by the State Board of Education as college-preparatory academic courses; and has attained at least the score pursuant to s. 1009.531(6)(b) ~~identified by rules of the State Board of Education~~ on the combined verbal and quantitative parts of the Scholastic Aptitude Test, the Scholastic Assessment Test, or the recentered Scholastic Assessment Test of the College Entrance Examination, or an equivalent score on the ACT Assessment Program; ~~or~~

(b) ~~Has attended a home education program according to s. 1002.41 during grades 11 and 12 or has completed the International Baccalaureate curriculum but failed to earn the International Baccalaureate Diploma or has completed the Advanced International Certificate of Education curriculum but failed to earn the Advanced International Certificate of Education Diploma, and has attained at least the score pursuant to s. 1009.531(6)(b) identified by rules of the State Board of Education on the combined verbal and quantitative parts of the Scholastic Aptitude Test, the Scholastic Assessment Test, or the recentered Scholastic Assessment Test of the College Entrance Examination, or an equivalent score on the ACT Assessment Program; or~~

(c) *Has attended a home education program according to s. 1002.41 during grades 11 and 12 and has attained at least the score pursuant to s. 1009.531(6)(b) on the combined verbal and quantitative parts of the Scholastic Aptitude Test, the Scholastic Assessment Test, or the recentered Scholastic Assessment Test of the College Entrance Examination, or an equivalent score on the ACT Assessment Program for award eligibility for students whose parents cannot document a college-preparatory curriculum under paragraph (a);*

(d)(e) *Has been recognized by the merit or achievement program of the National Merit Scholarship Corporation as a scholar or finalist but has not completed a program of community service as provided in s. 1009.534; or*

(e)(d) *Has been recognized by the National Hispanic Recognition Program as a scholar, but has not completed a program of community service as provided in s. 1009.534.*

(4) ~~Notwithstanding subsection (2), a Florida Medallion Scholar is eligible for an award equal to the amount specified in the General Appropriations Act for the 2009-2010 academic year. This subsection expires July 1, 2010.~~

Section 17. *Section 1009.537, Florida Statutes, is repealed.*

And the title is amended as follows:

Delete lines 53-83 and insert: amending s. 1009.53, F.S.; revising provisions relating to the Florida Bright Futures Scholarship Program; requiring that students submit the Free Application for Federal Student Aid, along with a valid expected family contribution, in order to be eligible for the scholarship award; amending s. 1009.531, F.S.; revising the period during which a student is eligible to receive an initial award and a renewal award of the Florida Bright Futures Scholarship after high school graduation; requiring that the State Board of Education base the eligibility of students to receive a Florida Academic Scholars award on SAT percentile ranks; amending s. 1009.532, F.S.; specifying circumstances under which a Florida Bright Futures Scholarship award may be renewed following its nonrenewal due to insufficient grades; reducing the maximum number of credit hours for which certain students may receive a scholarship award; amending s. 1009.534, F.S.; revising provisions relating to the Florida Academic Scholars award; removing an obsolete provision; removing the scheduled expiration of provisions requiring that the amount of the award be specified in the General Appropriations Act; creating s. 1009.5341, F.S.; providing that recipients of the Florida Bright Futures Scholarship award may use the unused portion of their award toward graduate study; providing certain limitations; amending s. 1009.535, F.S.; providing for a student who attended a home education program to be eligible for a Florida Medallion Scholars award; removing the scheduled expiration of provisions requiring that the amount of the Florida Medallion Scholar award be specified in the General Appropriations Act; repealing s. 1009.537, F.S., removing obsolete provisions relating to eligibility for the Florida Bright Futures Scholarship Program; amending s. 1009.536, F.S.;

**SENATOR VILLALOBOS PRESIDING**

On motion by Senator Lynn, by two-thirds vote **CS for SB 1344** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33

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

Nays—4

Gelber	Justice	Lawson
Smith		

**CS for SB 1436**—A bill to be entitled An act relating to vehicle registration fees and surcharges; amending s. 320.04, F.S.; revising the service charge for each application that is handled in connection with the original issuance, duplicate issuance, or transfer of any license plate, mobile home sticker, or validation sticker or with the transfer or duplicate issuance of a registration certificate; deleting a provision requiring that a portion of the charge be deposited into the General Revenue Fund; amending s. 320.08046, F.S.; revising the amount of the surcharge that is levied on each license tax; revising the amount of the surcharge that is deposited into the General Revenue Fund; amending s. 320.203, F.S.; providing for certain registrants who paid biennial fees to receive a credit that is funded through the General Revenue Fund; providing for future expiration; providing an effective date.

—was read the second time by title. On motions by Senator Fasano, by two-thirds vote **CS for SB 1436** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Bullard

**CS for SB 1438**—A bill to be entitled An act relating to highway safety; amending s. 316.066, F.S.; removing provisions requiring the driver of a vehicle that is involved in a crash resulting in bodily injury to or the death of any person or damage to any vehicle or other property to forward a written report of the crash to the Department of Highway Safety and Motor Vehicles within a specified time; requiring every law enforcement officer who investigates a motor vehicle crash to complete and submit to the department a Florida Traffic Crash Report, Long Form, within a specified time under certain circumstances; providing that in cases in which a Florida Traffic Crash Report, Long Form, is not required, the law enforcement officer may complete a short-form crash report or provide a short-form crash report to be completed by each party

involved in the crash; requiring the driver of a vehicle that is involved in a crash that results in damage to any vehicle or other property in an amount of at least \$500 and that is not investigated by a law enforcement agency to forward a written report of the crash to the local law enforcement agency within a specified time; requiring the local law enforcement agency to maintain the short-form crash reports prepared by law enforcement officers or parties involved in the crash; amending s. 320.05, F.S.; requiring that certain fees be imposed for electronic access to registration data provided through the tax collector's office; requiring that the fees be deposited into the Highway Safety Operating Trust Fund in the Department of Highway Safety and Motor Vehicles; amending s. 321.25, F.S.; authorizing the Department of Highway Safety and Motor Vehicles to charge a fee to persons attending certain training events; amending s. 322.02, F.S.; revising legislative intent relating to the transition of all driver's license services from the department to the county tax collectors by a specified date; amending s. 322.135, F.S.; requiring the department to authorize any or all tax collectors in the state to serve as agents for the department by providing certain specified driver's license services; requiring the department, in conjunction with the Tax Collectors' Association, to develop a plan to provide for the transition of all driver's license issuance services to the county tax collectors who are constitutional officers; requiring that the plan be submitted to the President of the Senate and the Speaker of the House of Representatives by a specified date; removing obsolete provisions relating to the issuance of driver's licenses by the county tax collector; amending s. 322.20, F.S.; authorizing the Department of Highway Safety and Motor Vehicles to charge a fee for searching for an individual's driver history record that is not on file or that meets requested criteria; authorizing the county clerks of court and certain tax collectors to provide driver records to any person requesting such records and to assess a fee for such service; amending ss. 322.2615, 324.051, and 921.0022, F.S.; conforming cross-references; providing an effective date.

—was read the second time by title. On motion by Senator Fasano, by two-thirds vote **CS for SB 1438** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

**CS for SB 1442**—A bill to be entitled An act relating to corporate license plates; creating s. 320.08052, F.S.; authorizing the Department of Highway Safety and Motor Vehicles to create the Corporate License Plate Program and enter into certain agreements with certain entities; requiring that corporate license plates meet specified criteria and that certain aspects of such license plates be approved by the department; authorizing vehicle owners to apply for such license plates; requiring that specified minimum fees be paid by applicants and corporate sponsors for such applications; requiring that the department, upon approval of an application, issue the appropriate corporate plate to the vehicle owner along with a registration and decal valid for a specified period; providing for the distribution of fees collected; authorizing corporate sponsors to participate in the program by submitting a specified minimum initial application fee; requiring that a corporate sponsor meet

specified eligibility requirements; requiring that the department adopt rules; providing an effective date.

—was read the second time by title. On motions by Senator Fasano, by two-thirds vote **CS for SB 1442** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—31

Mr. President	Diaz de la Portilla	Richter
Alexander	Fasano	Ring
Altman	Gaetz	Siplin
Aronberg	Gardiner	Smith
Baker	Haridopolos	Sobel
Bennett	Jones	Storms
Bullard	Lawson	Thrasher
Constantine	Lynn	Villalobos
Crist	Negron	Wise
Dean	Peaden	
Detert	Rich	

Nays—6

Dockery	Gelber	Justice
Garcia	Joyner	Wilson

Vote after roll call:

Yea to Nay—Constantine, Rich, Sobel, Storms

**CS for SB 1444**—A bill to be entitled An act relating to supplemental corporate fees; amending s. 607.193, F.S.; deleting an exception from the application of a late charge for a business entity that does not receive the uniform business report prescribed by the Department of State; providing an effective date.

—was read the second time by title. On motion by Senator Fasano, by two-thirds vote **CS for SB 1444** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

**CS for SB 1646**—A bill to be entitled An act relating to regional workforce boards; amending s. 445.007, F.S.; prohibiting board members and their relatives from contracting with or having a financial interest in a contract with the regional workforce board on which the member serves; requiring a member who is employed by or who receives remuneration from a contracting entity to abstain from voting on a contract with that entity; requiring the chief elected officers within a region to approve the appointment of any executive director to the staff of a regional workforce board; providing that the chairperson of a regional workforce board is subject to confirmation by the Senate; prohibiting workforce boards from expending federal or state funds for the purpose of providing meals, food, or beverages or recreational activities and en-

tainment for board members, staff, or employees of regional workforce boards, Workforce Florida, Inc., or the Agency for Workforce Innovation, except as expressly authorized by state law; authorizing the reimbursement of certain expenses; providing an effective date.

—was read the second time by title. On motion by Senator Fasano, by two-thirds vote **CS for SB 1646** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

**CS for SB 2374**—A bill to be entitled An act relating to the state group insurance program; amending s. 110.123, F.S.; establishing the state’s monthly contributions for employees who have individual coverage and for employees who have family coverage; requiring that the Division of State Group Insurance within the Department of Management Services establish a state employee health clinic pilot program; requiring the division to select a vendor to establish and manage at least one full-scope health and wellness clinic that will provide specified services to members of the State Group Health Insurance Program; requiring that the vendor provide the start-up costs associated with the pilot program; requiring that the vendor staff and manage the clinic, subvendors, and integrated services providers; requiring that the pilot program commence by a specified date; requiring that the Department of Management Services submit an evaluation of the pilot program to the Governor and the Legislature by a specified date; providing that the term of the contract be for only the 2011 plan year; requiring the Division of State Group Insurance to contract for postpayment claims review services for the State Group Insurance Program; requiring that all payments made under the contract be paid from overpayment amounts identified and recovered by the vendor; directing the Division of State Group Insurance to contract for dependent eligibility verification services for the State Group Insurance Program; providing a limitation on compensation to the contract vendor; requiring subscribers of the State Group Insurance Program to provide documentation validating eligibility of dependents; authorizing a grace period to document eligibility; authorizing the division to seek indemnification from subscribers having ineligible dependents; providing an effective date.

—was read the second time by title. On motions by Senator Alexander, by two-thirds vote **CS for SB 2374** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—37

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

Richter	Sobel	Wilson
Ring	Storms	Wise
Siplin	Thrasher	
Smith	Villalobos	

Nays—None

**THE PRESIDENT PRESIDING**

**CS for CS for SB 1238**—A bill to be entitled An act relating to a review of the Department of Management Services under the Florida Government Accountability Act; transferring certain programs and related trust funds from the department to other state agencies within the executive branch; authorizing the Executive Office of the Governor to transfer funds and positions with the approval of the Legislative budget Commission; requesting the interim assistance of the Division of Statutory Revision to prepare conforming legislation for the next regular session of the Legislature; amending ss. 11.917, 14.057, 14.204, 16.615, and 20.04, F.S.; conforming provisions to changes made by the act; amending s. 20.22, F.S.; changing the name of the department to the Department of Personnel Management; conforming provisions to changes made by the act; amending s. 20.255, F.S.; providing for an additional deputy secretary within the Department of Environmental Protection; creating the Division of Facilities Management and Building Construction within the department; amending ss. 20.23, 20.331, 20.50, 24.105, 24.120, 29.008, 29.21, 110.1055, 110.107, 110.1099, 110.116, 110.121, 110.1227, 110.1228, 110.123, 110.12312, 110.12315, 110.1232, 110.1234, 110.1245, 110.125, 110.131, 110.151, 110.1522, 110.161, 110.171, 110.181, 110.2035, 110.2037, 110.205, 110.2135, 110.227, 110.403, 110.405, 110.406, 110.503, 110.605, 110.606, 112.0455, 112.05, 112.08, 112.0804, 112.24, 112.3173, 112.31895, 112.352, 112.354, 112.358, 112.361, 112.362, 112.363, 112.63, 112.64, 112.658, 112.661, 112.665, 120.65, 121.021, 121.025, 121.031, 121.051, 121.0511, 121.0515, 121.055, and 121.1815, F.S.; conforming provisions to changes made by the act; repealing s. 121.1905, F.S., relating to the creation of the Division of Retirement; amending ss. 121.192, 121.22, 121.23, 121.24, 121.35, 121.40, 121.4501, 121.4503, 121.591, 121.5911, 121.78, 122.02, 122.09, 122.23, 122.34, 145.19, 154.04, 163.3184, 175.032, 175.1215, 175.361, 185.02, 185.105, 185.37, 189.4035, 189.412, 210.20, 210.75, 213.053, 215.196, 215.22, 215.28, 215.422, 215.425, 215.47, 215.50, 215.94, 215.96, 216.0152, 216.016, 216.023, 216.044, 216.163, 216.237, 216.238, 216.262, 216.292, 217.02, 217.04, 217.045, 238.01, 238.02, 238.03, 238.07, 238.09, 238.10, 238.11, 238.12, 238.15, 238.171, 238.181, 238.32, 250.22, 252.385, 253.034, 253.126, 253.45, 255.02, 255.043, 255.05, 255.0525, 255.248, 255.249, 255.25, 255.25001, 255.252, 255.253, 255.257, 255.2575, 255.259, 255.28, 255.29, 255.30, 255.31, 255.32, 255.45, 255.451, 255.502, 255.503, 255.504, 255.505, 255.506, 255.507, 255.508, 255.509, 255.51, 255.511, 255.513, 255.514, 255.515, 255.517, 255.518, 255.52, 255.521, 255.522, 255.523, 255.555, 265.001, 265.2865, 267.061, 267.0625, 267.075, 270.27, 272.03, 272.04, 272.05, 272.06, 272.07, 272.08, 272.09, 272.12, 272.121, 272.122, 272.124, 272.129, 272.16, 272.161, 272.18, 272.185, 273.055, 281.02, 281.03, 281.06, 281.07, 281.08, 282.0041, 282.205, 282.604, 282.702, 282.703, 282.704, 282.705, 282.706, 282.707, 282.709, 282.7101, 282.711, 283.30, 283.32, 284.01, 284.04, 284.05, 284.08, 284.33, 284.385, 284.42, 285.06, 285.14, 286.29, 287.012, 287.025, 287.032, 287.042, 287.055, 287.057, and 287.05721, F.S.; conforming provisions to changes made by the act; repealing s. 287.0573, F.S., relating to the Council on Efficient Government; amending ss. 287.0574, 287.076, 287.083, 287.0834, 287.0943, 287.09451, 287.131, 287.133, 287.134, 287.15, 287.151, 287.155, 287.16, 287.161, 287.17, 287.18, 287.19, 288.021, 288.109, 288.1092, 288.1093, 288.1185, 288.15, 288.17, 288.18, 288.703, 288.706, 288.708, 288.7091, 288.712, 288.901, 295.187, 318.18, 318.21, 320.0802, 320.08056, 321.04, 328.72, 337.02, 337.023, 337.165, 338.2216, 338.227, 350.0614, 350.125, 364.0135, 364.515, 364.516, 365.171, 365.172, 365.173, 373.4596, 373.461, 376.10, 377.703, 381.98, 394.9151, 395.1031, 400.121, 401.013, 401.015, 401.018, 401.021, 401.024, 401.027, 401.245, 402.35, 402.50, 403.061, 403.42, 403.518, 403.5365, 403.7065, 403.714, 403.7145, 403.71852, 406.075, 408.039, 408.910, 413.036, 413.051, 414.37, 429.14,

440.2715, 440.45, 445.009, 447.205, 455.32, 471.038, 489.145, 553.995, 570.07, 627.096, 633.382, 650.02, 760.04, 766.302, 768.1326, 943.03, 943.0311, 943.13, 943.61, 943.66, 943.681, 944.02, 944.10, 944.115, 944.713, 944.72, 944.8041, 945.215, 946.504, 946.515, 946.525, 957.04, 957.06, 957.07, 957.08, 957.14, 957.15, 957.16, 1001.27, 1001.42, 1001.705, 1001.706, 1001.74, 1002.36, 1002.37, 1004.58, 1012.33, 1012.34, 1012.61, 1012.796, 1012.865, 1012.875, 1013.03, 1013.23, s. 1013.30, and 1013.38, F.S.; conforming provision to changes made by the act; requiring that the Department of Environmental Protection coordinate the collection of certain information during the 2010-2011 fiscal year; requiring that state agencies submit such information on or before a specified deadline; requiring that the department submit a plan to centralize all real estate leasing and facilities operations and maintenance to the Executive Office of the Governor and Legislature on or before a specified date; requiring that such information be included in each agency's legislative budget request for the 2011-2012 fiscal year as a transfer to the Department of Asset Management; creating s. 20.51, F.S.; establishing the Department of Asset Management; transferring certain divisions and programs in the Department of Environmental Protection to the Department of Asset Management; providing effective dates.

—was read the second time by title.

**MOTION**

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

Senator Ring moved the following amendment which was adopted:

**Amendment 1 (364132) (with title amendment)**—Between lines 7703 and 7704 insert:

Section 248. Present subsection (2) of section 287.084, Florida Statutes, is renumbered as subsection (3), respectively, and new subsection (2) is added to that section, to read:

287.084 Preference to Florida businesses.—

(2) *In a competitive solicitation in which the lowest bid is submitted by a vendor whose principal place of business is located outside of this state and the foreign state does not grant a preference in competitive solicitation to vendors having a principal place of business in that state, a 5 percent preference shall be given to the lowest responsible and responsive vendor having a principal place of business in this state if the vendor receiving the preference does not subcontract any work under the contract to an out-of-state vendor.*

And the title is amended as follows:

Delete line 68 and insert: 287.076, 287.083, and 287.0834, F.S.; conforming provisions to changes made by the act; amending s. 287.084, F.S.; providing a preference in a competitive solicitation to vendors within this state under certain circumstances; amending ss. 287.0943, 287.09451,

**MOTION**

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

Senators Haridopolos, Constantine, and Rich offered the following amendment which was moved by Senator Haridopolos and adopted:

**Amendment 2 (866890)**—Delete lines 11518-11536 and insert:

Section 384. Effective July 1, 2011, section 20.51, Florida Statutes, is created to read:

*20.51 Department of Asset Management.—The Department of Asset Management is created.*

(1) *The head of the department is the Governor and Cabinet. The Governor and Cabinet shall appoint an executive director, subject to confirmation by the Senate, who shall serve at the pleasure of the Governor and Cabinet.*

(2) *The Division of Facilities is established in the department.*

Section 385. *Effective July 1, 2011, all powers, duties, functions, records, offices, personnel, property, pending issues, and existing contracts, administrative authority, administrative rules, and unexpended balances of appropriations, allocations, and other funds relating to the Facilities*

On motion by Senator Ring, by two-thirds vote **CS for CS for SB 1238** as amended was read the third time by title, passed, ordered engrossed and then immediately certified to the House. The vote on passage was:

Yeas—35

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

Nays—2

Dockery	Lawson
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**SENATOR FASANO PRESIDING**

**CS for SB 2384**—A bill to be entitled An act relating to state employees; providing for the resolution of collective bargaining issues at impasse between the State of Florida and certified bargaining units of state employees; providing an effective date.

—was read the second time by title. On motion by Senator Alexander, by two-thirds vote **CS for SB 2384** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Detert, Storms

Consideration of **CS for SB 2020** was deferred.

**CS for SB 2022**—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.011, F.S.; deleting a provision en-

suring certain rights of members of the system; providing for employee and employer contributions; providing that the rights of members are of a contractual nature; amending s. 121.021, F.S.; redefining the terms “prior service,” “termination,” “benefit,” and “payee”; amending s. 121.051, F.S.; requiring that a local governmental entity or the governing body of a charter school or charter technical career center make certain elections regarding benefits at the time the entity or governing body joins the Florida Retirement System; providing that employer-paid employee contributions are subject to certain taxes; amending s. 121.0515, F.S.; providing for employee contributions to be used, if applicable, when purchasing credit for past service; amending s. 121.052, F.S., relating to the membership class of elected officers; conforming provisions to changes made by the act; providing for a refund of contributions under certain circumstances for an officer who leaves office; providing that a member who obtains a refund of contributions waives certain rights under the Florida Retirement System; amending s. 121.053, F.S.; clarifying the contributions required for a member in the Elected Officers’ Class who participates in the Deferred Retirement Option Program; amending s. 121.055, F.S., relating to the Senior Management Service Class; conforming provisions to changes made by the act; providing for a refund of contributions under certain circumstances for a member who terminates employment; providing that a member who obtains a refund of contributions waives certain rights under the Florida Retirement System; requiring employee and employer contributions for participants in the Senior Management Service Optional Annuity Program, effective January 1, 2011, and thereafter; limiting the payment of benefits prior to a participant’s termination of employment; amending s. 121.071, F.S.; requiring employee and employer contributions to the retirement system effective January 1, 2011; providing for a refund of contributions under certain circumstances following termination of employment; prohibiting such refund if an approved qualified domestic relations order is filed against the participant’s retirement account; requiring repayment plus interest of an invalid refund; amending s. 121.081, F.S.; providing requirements for contributions for prior service performed on or after January 1, 2011; amending s. 121.091, F.S.; providing for the refund of accumulated contributions if a member’s employment is terminated for any reason other than death or retirement; amending s. 121.121, F.S., relating to the purchase of creditable service following an authorized leave of absence; requiring that service credit be purchased at the employee and employer contribution rates in effect during the leave of absence; amending s. 121.125, F.S.; requiring that the employer make the required employee and employer retirement contributions following an employee’s workers’ compensation injury or illness; requiring that a penalty be assessed against an employer that fails to pay the required contributions; amending s. 121.35, F.S., relating to the optional retirement program for the State University System; requiring employee and employer contributions for participants in the optional retirement program, effective January 1, 2011, and thereafter; deleting certain requirements governing employer contributions to conform to changes made by the act; limiting the payment of benefits prior to a participant’s termination of employment; amending s. 121.4501, F.S.; requiring that participants in the Public Employee Optional Retirement Program make certain contributions to the program trust fund based on the employee’s membership class; redefining the term “retiree” and defining the term “participant contributions”; providing for contribution adjustments as a result of errors or corrections; requiring an employer to receive a credit for excess contributions and to reimburse an employee for excess contributions, subject to certain limitations; providing for a participant to retain his or her prior plan choice following a return to employment; excluding certain retirees from renewed membership in the Florida Retirement System; limiting certain refunds of contributions which exceed the amount that would have accrued had the member remained in the defined benefit program; providing certain requirements and limitations with respect to contributions; clarifying that participant and employer contributions are earmarked for specified purposes; providing duties of the third-party administrator; providing that a participant is vested immediately with respect to employee contributions paid by the participant; providing for the forfeiture of nonvested employer con-

tributions and service credit under certain circumstances; amending s. 121.4503, F.S.; providing for the deposit of participant contributions into the Florida Retirement System Contributions Clearing Trust Fund; amending s. 121.571, F.S.; providing requirements for submitting participant contributions; amending s. 121.591, F.S.; limiting the payment of benefits prior to a participant’s termination of employment; providing for the forfeiture of nonvested accumulations upon payment of certain vested benefits; providing that the distribution payment method selected by the participant or beneficiary is irrevocable at the time of distribution; prohibiting a distribution of employee contributions if an approved qualified domestic relations order is filed against the participant’s account; amending s. 121.70, F.S.; revising legislative intent; amending s. 121.71, F.S.; requiring that employee contributions be deducted from the employee’s monthly salary, beginning on a specified date, and treated as employer contributions under certain provisions of federal law; clarifying that an employee may not receive such contributions directly; specifying the required employee contribution rates for the membership of each membership class and subclass of the Florida Retirement System; specifying the required employer retirement contribution rates for each membership class and subclass of the system in order to address unfunded actuarial liabilities of the system; requiring an assessment to be imposed if the employee contributions remitted are less than the amount required; providing for the employer to receive a credit for excess contributions remitted; amending s. 121.72, F.S.; revising certain requirements governing allocations to optional retirement program participant accounts; amending s. 121.73, F.S., relating to disability coverage for participants in the optional retirement program; conforming provisions to changes made by the act; amending s. 121.74, F.S.; revising the amount that employers are required to contribute for administrative and educational expenses; amending s. 121.76, F.S.; providing that employer-paid employee contributions are subject to certain taxes; amending s. 121.78, F.S.; revising certain requirements for administering the payment and distribution of contributions; requiring that certain fees be imposed for delinquent payment; providing that an employer is responsible for recovering any refund provided to an employee in error; revising the terms of an authorized waiver of delinquency; requiring an employer to receive a credit for excess contributions and to reimburse an employee for excess contributions, subject to certain limitations; amending s. 1012.875, F.S.; requiring employee and employer contributions for participants in the State Community College System Optional Retirement Program, effective January 1, 2011, and thereafter; providing that the act fulfills an important state interest; providing appropriations to and authorizing additional positions for the Division of Retirement within the Department of Management Services; providing an effective date.

—was read the second time by title.

#### MOTION

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

Senators Lawson and Siplin offered the following amendment which was moved by Senator Lawson and failed:

**Amendment 1 (733442)**—Delete lines 2369-2392 and insert:

(3) *Required employee retirement contribution rates for each membership class and subclass of the Florida Retirement System for both retirement plans are as follows:*

<i>Membership Class</i>	<i>Percentage of Gross Compensation, Effective January 1, 2011</i>
<i>Regular Class</i>	<i>0.00%</i>
<i>Special Risk Class</i>	<i>0.00%</i>
<i>Special Risk Administrative Support Class</i>	<i>0.00%</i>

Membership Class	Percentage of Gross Compensation, Effective January 1, 2011
Elected Officers' Class - Legislators, Governor, Lt. Governor, Cabinet Officers, State Attorneys, Public Defenders	0.00%
Elected Officers' Class - Justices, Judges	0.00%
Elected Officers' Class - County Elected Officers	0.00%
Senior Management Class	0.00%
DROP	0.00%

(4)(3) Required employer retirement contribution rates for each membership class and subclass of the Florida Retirement System for both retirement plans are as follows:

Membership Class	Percentage of Gross Compensation, Effective July 1, 2010 <del>2009</del>	Percentage of Gross Compensation, Effective January 1, 2011 <del>July 1, 2010</del>
Regular Class	9.76% <del>8.69%</del>	9.76% <del>9.63%</del>
Special Risk Class	22.15% <del>19.76%</del>	22.15% <del>22.11%</del>
Special Risk Administrative Support Class	11.24% <del>11.39%</del>	11.24% <del>12.10%</del>
Elected Officers' Class - Legislators, Governor, Lt. Governor, Cabinet Officers, State Attorneys, Public Defenders	14.38% <del>13.32%</del>	14.38% <del>15.20%</del>
Elected Officers' Class - Justices, Judges	19.39% <del>18.40%</del>	19.39% <del>20.65%</del>
Elected Officers' Class - County Elected Officers	16.62% <del>15.37%</del>	16.62% <del>17.50%</del>
Senior Management Class	11.70% <del>11.96%</del>	11.70% <del>13.43%</del>
DROP	14.23% <del>9.80%</del>	14.23% <del>11.14%</del>

The vote was:

Yeas—14

Aronberg	Gelber	Rich
Bullard	Jones	Ring
Crist	Joyner	Siplin
Dean	Justice	Smith
Dockery	Lawson	

Nays—23

Mr. President	Fasano	Richter
Alexander	Gaetz	Sobel
Altman	Garcia	Storms
Baker	Gardiner	Thrasher
Bennett	Haridopolos	Villalobos
Constantine	Lynn	Wilson
Detert	Negron	Wise
Diaz de la Portilla	Peaden	

Vote after roll call:

Yea to Nay—Crist

Nay to Yea—Sobel

On motion by Senator Alexander, by two-thirds vote **CS for SB 2022** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—26

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

Nays—7

Joyner	Rich	Wilson
Justice	Smith	
Lynn	Sobel	

Vote after roll call:

Yea—Richter

Nay—Dockery

Yea to Nay—Aronberg, Lawson

**CS for SB 2024**—A bill to be entitled An act relating to the tax on communications and utility services; amending s. 202.12, F.S.; decreasing the rate at which the sales price of certain communications services are taxed; amending s. 202.125, F.S., relating to exemptions from the tax; inserting a cross-reference to conform to changes made by the act; amending s. 203.01, F.S.; imposing an additional tax on certain communications services at a specified rate; providing for an exemption to apply to such tax; requiring that the tax on communications services be included on bills dated on or after a specified date; amending s. 215.61, F.S.; requiring that the State Board of Education make specified adjustments to the figures used by the board in determining the amount of bond debt that can be serviced by revenues derived from the gross receipts tax on utility services; requiring that such adjustment be based on a specified assumption; deleting a provision requiring the deduction of amounts used for debt service when determining fiscal sufficiency; providing an effective date.

—was read the second time by title.

Senator Alexander moved the following amendment which was adopted:

**Amendment 1 (414170) (with title amendment)**—Delete lines 106-108 and insert:

Section 5. *In complying with sections 1 through 3 of this act, the dealer of communication services may collect a combined rate of 6.8 percent comprised of 6.65 percent and 0.15 percent required by ss. 202.12(1)(a) and 203.01(1)(b)3., Florida Statutes, respectively, as long as the provider properly reflects the tax collected with respect to the two provisions as required in the return to the Department of Revenue.*

Section 6. *The Department of Revenue may, and all conditions are deemed met to, adopt emergency rules pursuant to ss. 120.536(1) and 120.54, Florida Statutes, for the purpose of promulgating such forms and instructions as are required to effectuate this act.*

Section 7. This act shall take effect upon becoming a law, except that sections 1 through 5 of this act apply to taxable transactions included on bills for services dated on or after August 1, 2010.

And the title is amended as follows:

Delete line 22 and insert: sufficiency; authorizing a dealer of communications services to state the combined rate of certain taxes on a bill for a taxable communications services under certain circumstances; authorizing the Department of Revenue to adopt emergency rules to promulgate forms and instructions; providing for the act to apply to bills for communications services dated on or after a certain date; providing an effective date.

On motions by Senator Alexander, by two-thirds vote **CS for SB 2024** as amended was read the third time by title, passed, ordered engrossed and then immediately certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Baker, Constantine

**CS for SB 2386**—A bill to be entitled An act relating to state financial matters; amending s. 17.29, F.S.; authorizing the Chief Financial Officer to adopt rules requiring that payments made by the state for goods, services, or anything of value be made by electronic means; requiring that the rules include methods for accommodating persons who may not be able to receive payment by electronic means; authorizing the Chief Financial Officer to make payments by warrant if administratively necessary; amending s. 43.16, F.S.; conforming a cross-reference; amending s. 215.322, F.S.; conforming provisions to changes made by the act to authorize state agencies, local governments, and the judicial branch to accept payments by electronic funds transfers; providing for the adoption of rules to facilitate such payments and to accommodate persons who may not be able to make payments by electronic means; authorizing the Chief Financial Officer to adopt rules establishing uniform security safeguards for cardholder data; creating s. 215.971, F.S.; requiring that the Chief Financial Officer adopt and disseminate uniform minimum procedures to state agencies for agreements that provide state or federal financial assistance to a recipient or subrecipient; amending s. 216.3475, F.S.; requiring an agency that is awarded funding on a noncompetitive basis for certain services as specified in the General Appropriations Act to maintain specified documentation supporting a cost analysis; amending s. 287.056, F.S.; specifying the provisions to be included in state agency purchasing agreements; amending s. 287.057, F.S.; removing certain types of services from an exception to the competitive bid requirements for the purchase of contractual services; providing that certain types of health care services are except from competitive bid requirements for the purchase of contractual services; requiring that an agency document compliance with s. 216.3475, F.S., if the purchase of contractual services exceeds a certain amount and the services are not competitively procured; requiring that an agency's contract manager attend training regarding accountability in contracts and grant management; providing for uniform procedures that the Chief Financial Officer must establish and disseminate to state agencies; subjecting users of certain state term contracts to a transaction or user fee; amending s. 287.0571, F.S.; conforming a cross-reference; amending

s. 287.058, F.S.; revising provisions regarding contracts for services; specifying provisions to be included in such contracts; amending ss. 295.187, 394.47865, 402.40, 402.7305, 408.045, 427.0135, and 570.07, F.S.; conforming cross-references; requiring state agencies to provide specified information to the Department of Financial Services relating to the purchase of commodities or services; requiring state agencies to review and renegotiate contract renewals and reprocurments in an effort to reduce contract payments; requiring the Executive Office of the Governor to place savings from the renegotiation of contract renewals or reprocurments in reserve; restricting funding for travel by state employees; requiring that certain travel be approved in writing by the agency head; providing exceptions; requiring each state agency to review its contracts to ensure that contractors comply with applicable preferred-pricing clauses; requiring certain contracts containing a preferred-pricing clause to require that the contractor submit an affidavit attesting to the contractor's compliance with the clause; defining the term "preferred-pricing clause"; providing an appropriation to the Department of Financial Services and authorizing additional full-time equivalent positions; providing an effective date.

—was read the second time by title.

Senator Ring moved the following amendment:

**Amendment 1 (767844) (with title amendment)**—Between lines 529 and 530 insert:

Section 11. Section 288.9625, Florida Statutes, is amended to read:

288.9625 Institute for the Commercialization of Public Research.—There is established the Institute for the Commercialization of Public Research.

(1) The institute shall be a not-for-profit corporation registered, incorporated, and operated in accordance with chapter 617.

(2) The purpose of the institute is to assist in the commercialization of products developed by the research and development activities of universities and colleges, research institutes, ~~and~~ publicly *and privately* supported organizations within the state, *and individuals*. The institute shall operate to fulfill its purpose and in the best interests of the state. The institute:

(a) Shall be a corporation primarily acting as an instrumentality of the state pursuant to s. 768.28(2), for the purposes of sovereign immunity;

(b) Is not an agency within the meaning of s. 20.03(11);

(c) Is subject to the open records and meetings requirements of s. 24, Art. I of the State Constitution, chapter 119, and s. 286.011;

(d) Is not subject to ~~the provisions of~~ chapter 287;

(e) Shall be governed by the code of ethics for public officers and employees as set forth in part III of chapter 112;

(f) Is not authorized to create corporate subsidiaries; *and*

~~(g) Shall support existing commercialization efforts at state universities; and~~

~~(g)(4)~~ *May* ~~shall~~ not supplant, replace, or direct existing technology transfer operations or other commercialization programs, including incubators and accelerators, *whether public or private*.

(3) The articles of incorporation of the institute must be approved in a written agreement with Enterprise Florida, Inc. The agreement and the articles of incorporation ~~must provide that shall~~:

(a) ~~Provide that~~ The institute ~~shall~~ provide equal employment opportunities for all persons regardless of race, color, religion, gender, national origin, age, handicap, or marital status;

(b) ~~Provide that~~ The institute is subject to the public records and meeting requirements of s. 24, Art. I of the State Constitution;

(c) ~~Provide that~~ All officers, directors, and employees of the institute ~~are shall be~~ governed by the code of ethics for public officers and employees as set forth in part III of chapter 112;

(d) ~~Provide that~~ Members of the board of directors of the institute are responsible for the prudent use of all public and private funds and ~~shall that they will~~ ensure that the use of funds is in accordance with all applicable laws, bylaws, and contractual requirements; and

(e) ~~Provide that~~ The fiscal year of the institute is from July 1 to June 30.

(4) The affairs of the institute shall be managed by a board of directors who shall serve without compensation. Each director shall have only one vote. The chair of the board of directors shall be selected by a majority vote of the directors, a quorum being present. The board of directors shall consist of the following five members:

(a) The chair of Enterprise Florida, Inc., or the chair's designee.

(b) The president of the university where the institute is located or the president's designee unless multiple universities jointly sponsor the institute, in which case the presidents of the sponsoring universities shall agree upon a designee.

(c) Three directors appointed by the Governor to 3-year staggered terms, to which the directors may be reappointed.

(5) The board of directors shall provide a copy of the institute's annual report to the Governor, the President of the Senate, the Speaker of the House of Representatives, Enterprise Florida, Inc., and the president of the university ~~where at which~~ the institute is located.

(6) Enterprise Florida, Inc., the president and the board of trustees of the university where the institute is located, the Auditor General, and the Office of Program Policy Analysis and Government Accountability may require and receive from the institute or its independent auditor any detail or supplemental data relative to the operation of the institute.

~~(7) Enterprise Florida, Inc., shall issue a request for proposals to state universities requesting proposals to fulfill the purposes of the institute as described in this section and provide for its physical location in a major metropolitan area in the southern part of the state having extensive commercial air service to facilitate access by venture capital providers. Enterprise Florida, Inc., shall review the proposals in a committee appointed by its board of directors which shall make a recommendation for final selection. Final approval of the selected proposal must be by the board of directors of Enterprise Florida, Inc., at one of its duly noticed meetings.~~

(7)(8)(a) To be eligible for assistance, the company or organization attempting to commercialize its product must be accepted by the institute before receiving the institute's assistance.

(a)(b) The institute shall receive recommendations from any publicly supported organization that a company that is commercializing the research, technology, or patents from a qualifying publicly or privately supported organization should be accepted into the institute.

(b)(c) The institute shall ~~thereafter~~ review the business plans and technology information of each ~~such~~ recommended company. If accepted, the institute shall mentor the company, develop marketing information on the company, and use its resources to attract capital investment into the company, as well as bring other resources to the company which may foster its effective management, growth, capitalization, technology protection, or marketing or business success.

(8)(9) The institute shall:

(a) Maintain a centralized location to showcase companies and their technologies and products;

(b) Develop an efficient process to inventory and publicize companies and products that have been accepted by the institute for commercialization;

(c) Routinely communicate with private investors and venture capital organizations regarding the investment opportunities in its showcased companies;

(d) Facilitate meetings between prospective investors and eligible organizations in the institute;

(e) Hire full-time staff who understand relevant technologies needed to market companies to the angel investors and venture capital investment community; ~~and~~

(f) Develop cooperative relationships with publicly *and privately* supported organizations all of which work together to provide resources or special knowledge that is likely to be helpful to institute companies; ~~and-~~

(g) *Administer a matching grant program created by the Legislature to provide financial assistance for early-stage companies that have received federal funding and that may have received private or other public financial assistance.*

(9)(10) The institute ~~may shall~~ not develop or accrue any ownership, royalty, patent, or other such rights over or interest in companies or products in the institute and shall maintain the secrecy of proprietary information.

(10)(11) The institute ~~may shall~~ not charge for services rendered to state universities and affiliated organizations, community colleges, or state agencies.

(11)(12) By December 1 of each year, the institute shall issue an annual report concerning its activities to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report ~~must shall~~ include ~~the following~~:

(a) Information on any assistance and activities provided by the institute to assist publicly supported universities, colleges, research institutes, and other publicly supported organizations in the state, *and any support provided to private research institutes, organizations, and individuals.*

(b) A description of the benefits to this state resulting from the institute, including the number of businesses created, associated industries started, the number of jobs created, and the growth of related projects.

(c) Independently audited financial statements, including statements that show receipts and expenditures during the preceding fiscal year for personnel, administration, and operational costs of the institute.

And the title is amended as follows:

Delete line 51 and insert: contracts; amending s. 288.9625, F.S., relating to the Institute for the Commercialization of Public Research; authorizing the institute to provide assistance to individuals and private organizations and administer a matching grant program to provide financial assistance to early-stage companies; amending ss. 295.187, 394.47865, 402.40,

On motion by Senator Alexander, further consideration of **CS for SB 2386** with pending **Amendment 1 (767844)** was deferred.

**CS for SB 2020**—A bill to be entitled An act relating to information technology; amending s. 14.204, F.S.; revising the duties and responsibilities of the Agency for Enterprise Information Technology; amending s. 282.201, F.S.; requiring the Agency for Enterprise Information Technology to make annual recommendations to the Legislature regarding the migration to a statewide e-mail service and the consolidation of purchasing certain commodities and services; amending s. 282.203, F.S.; specifying the contents of financial statements that must be provided by primary data centers; establishing a quorum for a data center board of trustees; providing additional duties for the board of trustees; amending s. 282.204, F.S.; deleting obsolete provisions relating to the Northwood Shared Resource Center; amending s. 282.315, F.S.; providing an additional duty for the Agency Chief Information Officers Council relating to the consolidated purchase of information technology products; amending s. 282.34, F.S.; revising provisions relating to statewide e-mail services; providing the primary goals for the service; providing for the establishment of a multiagency team to solicit proposals for a statewide service by

a certain date; specifying the requirements for competitive solicitation; requiring the Agency for Enterprise Information Technology to submit a business plan for the services; requiring the plan to include agency lifecycle costs; requiring all state agencies to have migrated to the statewide service by a certain date; providing for agency exceptions to the schedule; requiring the Agency for Enterprise Information Technology to submit an implementation plan to the Governor and Legislature by a certain date; directing the agency to adopt rules; repealing s. 408.0615, F.S., relating to the establishment of a secure facility protecting data held by the Agency for Health Care Administration; amending s. 17 of chapter 2008-116, Laws of Florida; revising the date for transferring data center functions to a primary data center; amending s. 282.0041, F.S.; defining the terms “SUNCOM Network” and “telecommunications”; amending s. 282.702, F.S.; revising the powers and duties of the Department of Management Services with respect to telecommunications services; requiring that the department establish policies with respect to financial accounting and submit an annual report to the Governor and Legislature; amending s. 282.703, F.S.; revising provisions relating to the SUNCOM Network; authorizing the department to establish standards for addresses and numbers and to maintain a directory; requiring a state primary data center to use SUNCOM services; amending s. 282.707, F.S.; requiring customers served by the department to review the qualifications of subscribers using the SUNCOM Network; authorizing additional positions and providing an appropriation; providing an effective date.

—was read the second time by title.

**MOTION**

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

Senator Storms moved the following amendment which was adopted:

**Amendment 1 (663838) (with title amendment)**—Between lines 728 and 729 insert:

Section 13. *Children’s Legal Services and the judiciary shall use the Florida Safe Families Network for child welfare case management.*

And the title is amended as follows:

Delete line 56 and insert: Network; requiring the Children’s Legal Service and judiciary to use Florida Safe Families Network for child welfare case management; authorizing additional positions and

On motions by Senator Alexander, by two-thirds vote **CS for SB 2020** as amended was read the third time by title, passed, ordered engrossed and then immediately certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

The Senate resumed consideration of—

**CS for SB 2386**—A bill to be entitled An act relating to state financial matters; amending s. 17.29, F.S.; authorizing the Chief Financial Officer to adopt rules requiring that payments made by the state for goods, services, or anything of value be made by electronic means; requiring that the rules include methods for accommodating persons who may not be able to receive payment by electronic means; authorizing the Chief Financial Officer to make payments by warrant if administratively necessary; amending s. 43.16, F.S.; conforming a cross-reference; amending s. 215.322, F.S.; conforming provisions to changes made by the act to authorize state agencies, local governments, and the judicial branch to accept payments by electronic funds transfers; providing for the adoption of rules to facilitate such payments and to accommodate persons who may not be able to make payments by electronic means; authorizing the Chief Financial Officer to adopt rules establishing uniform security safeguards for cardholder data; creating s. 215.971, F.S.; requiring that the Chief Financial Officer adopt and disseminate uniform minimum procedures to state agencies for agreements that provide state or federal financial assistance to a recipient or subrecipient; amending s. 216.3475, F.S.; requiring an agency that is awarded funding on a noncompetitive basis for certain services as specified in the General Appropriations Act to maintain specified documentation supporting a cost analysis; amending s. 287.056, F.S.; specifying the provisions to be included in state agency purchasing agreements; amending s. 287.057, F.S.; removing certain types of services from an exception to the competitive bid requirements for the purchase of contractual services; providing that certain types of health care services are except from competitive bid requirements for the purchase of contractual services; requiring that an agency document compliance with s. 216.3475, F.S., if the purchase of contractual services exceeds a certain amount and the services are not competitively procured; requiring that an agency’s contract manager attend training regarding accountability in contracts and grant management; providing for uniform procedures that the Chief Financial Officer must establish and disseminate to state agencies; subjecting users of certain state term contracts to a transaction or user fee; amending s. 287.0571, F.S.; conforming a cross-reference; amending s. 287.058, F.S.; revising provisions regarding contracts for services; specifying provisions to be included in such contracts; amending ss. 295.187, 394.47865, 402.40, 402.7305, 408.045, 427.0135, and 570.07, F.S.; conforming cross-references; requiring state agencies to provide specified information to the Department of Financial Services relating to the purchase of commodities or services; requiring state agencies to review and renegotiate contract renewals and reprocurments in an effort to reduce contract payments; requiring the Executive Office of the Governor to place savings from the renegotiation of contract renewals or reprocurments in reserve; restricting funding for travel by state employees; requiring that certain travel be approved in writing by the agency head; providing exceptions; requiring each state agency to review its contracts to ensure that contractors comply with applicable preferred-pricing clauses; requiring certain contracts containing a preferred-pricing clause to require that the contractor submit an affidavit attesting to the contractor’s compliance with the clause; defining the term “preferred-pricing clause”; providing an appropriation to the Department of Financial Services and authorizing additional full-time equivalent positions; providing an effective date.

—which was previously considered this day. Pending **Amendment 1 (767844)** by Senator Ring was withdrawn.

On motions by Senator Alexander, by two-thirds vote **CS for SB 2386** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—37

Mr. President	Baker	Crist
Alexander	Bennett	Dean
Altman	Bullard	Detert
Aronberg	Constantine	Diaz de la Portilla

Dockery	Justice	Smith
Fasano	Lawson	Sobel
Gaetz	Lynn	Storms
Garcia	Negron	Thrasher
Gardiner	Peadar	Villalobos
Gelber	Rich	Wilson
Haridopolos	Richter	Wise
Jones	Ring	
Joyner	Siplin	

Nays—None

**THE PRESIDENT PRESIDING**

The Senate resumed consideration of—

**CS for SB 1368**—A bill to be entitled An act relating to public school funding; amending s. 212.055, F.S.; deleting a requirement that school boards imposing the school capital outlay surtax freeze noncapital local school property taxes for at least 3 years; repealing s. 216.292(2)(d), F.S., relating to the transfer of funds for class size reduction; conforming provisions to changes made by the act; amending s. 1001.395, F.S.; extending the duration of a provision specifying methods to calculate the salary of a school board member; amending s. 1001.451, F.S.; removing the repeal of provisions authorizing a reduction in the incentive grants that are awarded to consortium service organizations; amending s. 1002.32, F.S.; including the millage levied for fixed capital outlay in determining the amount provided to lab schools for operating expenses; amending s. 1002.33, F.S.; requiring that a charter school comply with statutes pertaining to maximum class size; providing that certain capital outlay funds shared with a charter school-in-the-workplace before July 1, 2010, are deemed to meet certain expenditure requirements; revising requirements for calculating the administrative fee that the sponsor of a charter school may withhold and use for capital outlay purposes; amending s. 1002.37, F.S.; providing certain limitations on reporting credits earned by a student through the Florida Virtual School for purposes of funding; including the millage levied for fixed capital outlay in determining the amount provided to the Florida Virtual School for operating expenses; amending s. 1002.45, F.S.; providing for school district virtual instruction programs to include programs offered by community colleges; requiring that community college instructors meet certification requirements; prohibiting a community college from reporting students served in a school district virtual instruction program for funding under the Community College Program Fund; removing obsolete provisions requiring a report; amending ss. 1002.55 and 1002.63, F.S.; revising the requirements for private prekindergarten providers and public school-year prekindergarten programs with respect to the number of students for each class; requiring an instructor for certain classes who holds specified credentials; amending s. 1002.71, F.S.; reducing the amount of funds that an early learning coalition may retain for administrative purposes from funds paid to private prekindergarten providers and public schools; amending s. 1003.03, F.S.; revising requirements for the Department of Education with respect to calculating the maximum class size based on student membership; deleting obsolete provisions; providing for reductions in a district’s class-size-reduction operating categorical allocation under certain circumstances; providing for a budget amendment in the case of an extreme emergency and subject to approval of the Legislative Budget Commission; providing for alternative measures to take effect upon approval of an amendment to the State Constitution by the electors of the state; providing for virtual instruction courses to be included in implementing the class size maximums; amending s. 1003.492, F.S.; clarifying the duties of the Department of Education in approving the list of industry certifications for career education programs; amending s. 1006.28, F.S.; redefining the term “adequate instructional materials” to include electronic content; creating s. 1006.281, F.S.; encouraging school districts to provide access for teachers, students, and parents to an electronic learning management system; specifying the required functionality of such a system; requiring the Department of Education to assist school districts in deploying an

electronic learning management system; amending s. 1006.29, F.S.; providing that instructional materials include electronic content; requiring that a publisher or manufacturer providing instructional materials as a single bundle make the materials available separately and priced individually; requiring that instructional materials adopted after a specified date for students in grades 9 through 12 be provided primarily in an electronic format; amending s. 1006.33, F.S.; requiring that an advertisement for bids for instructional materials require the bidder to furnish electronic specimen copies of the materials; requiring that district school superintendents request samples in a format other than an electronic format through the department; amending s. 1006.40, F.S.; requiring that a specified percentage of a district’s annual allocation for instructional materials be used for electronic materials beginning with the 2012-2013 fiscal year; including electronic content as an approved item of instruction; amending s. 1007.27, F.S.; providing that secondary school students are authorized users of the state-funded electronic library resources licensed for public colleges and universities; providing for verification of eligibility according to rules established by the State Board of Education and the Board of Governors of the State University System; amending s. 1008.34, F.S.; providing for the calculation of certain school grades to include student completion of specified courses; amending s. 1011.03, F.S.; requiring that a district school board post its proposed millage levies on the district’s website; revising the requirements for publishing the proposed levies in a newspaper; amending s. 1011.60, F.S.; deleting a requirement that the State Board of Education adopt rules governing the school term; amending s. 1011.62, F.S.; revising the requirements for calculating full-time equivalent student membership; reducing the amount authorized for teacher bonuses; requiring that a district allocate a specified percentage of funds for industry certification to the center or program that generated the funds; authorizing a district school board to use categorical funds for materials that meet the Next Generation Sunshine State Standards and for certain hardware; providing for adjusting a district’s sparsity supplement based on Merit Award Program funds; clarifying that a calculation subsequent to an appropriation does not result in negative state funds for any district; amending s. 1011.64, F.S., relating to minimum classroom expenditure requirements; conforming a cross-reference; amending s. 1011.67, F.S.; removing requirements for the staggered distribution of funds to districts for instructional materials; amending s. 1011.66, F.S.; removing a provision authorizing the distribution of 60 percent of FEFPP funds to a district during the first quarter of a fiscal year; amending s. 1011.68, F.S.; requiring that the allocation for student transportation be determined by the Legislature rather than based on the prior year’s average student cost for transportation; amending s. 1011.71, F.S.; removing certain requirements for the additional millage levied by a district for critical capital outlay needs or critical operating needs; amending s. 1011.73, F.S., relating to district millage elections; correcting a cross-reference; amending s. 1012.33, F.S.; exempting specified reemployed instructional personnel from certain requirements for determining pay; amending s. 1012.467, F.S.; requiring school districts to accept reciprocity of level 2 screening for Florida High School Athletic Association Officials; amending s. 1012.55, F.S.; requiring that instructional personnel providing instruction through a virtual environment hold certification as otherwise required by law and rule; amending s. 1013.62, F.S.; providing that a charter school must serve students in facilities that are provided by a business partner for a charter school-in-the-workplace to be eligible for an allocation of funds for capital outlay purposes; providing for the incorporation by reference of certain calculations used by the Legislature for the 2010-2011 fiscal year; providing effective dates.

—which was previously considered and amended this day with pending **Amendment 3 (134676)** by Senators Thrasher and Wise and pending point of order by Senator Rich; and with pending **Amendment 4 (974368)** by Senator Gelber and pending point of order by Senator Gaetz.

## RULINGS ON POINTS OF ORDER

On recommendation of Senator Villalobos, Chair of the Committee on Rules, the President ruled the point well taken and **Amendment 3 (134676)** out of order.

On motion by Senator Gaetz, the point of order on **Amendment 4 (974368)** was withdrawn. **Amendment 4 (974368)** failed.

On motion by Senator Wise, by two-thirds vote **CS for SB 1368** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—28

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

Nays—9

Aronberg	Gelber	Rich
Bullard	Joyner	Ring
Garcia	Justice	Villalobos

Vote after roll call:

Yea to Nay—Sobel, Wilson

## MOTIONS

On motion by Senator Alexander, the Senate requested that the House concur in the following bills passed by the Senate and in the event the House refused to concur, they be included in the conference committee on appropriations: **CS for SB 1396, CS for CS for SB 1484, CS for SB 1436, CS for SB 1442, CS for SB 1646, CS for SB 1510, CS for SB 1508, CS for SB 1514, CS for CS for SB 1516, CS for SB 1592, CS for SB 2024, CS for SB 2386, CS for SB 2374, CS for SB 2020, and CS for CS for SB 1238.**

On motion by Senator Alexander, the rules were waived and staff of the Policy and Steering Committee on Ways and Means was instructed to make title amendments and technical changes to **SB 2700** and **SB 2702** as necessary.

On motion by Senator Villalobos, the rules were waived and the Secretary was instructed to deliver to the House at the direction of the President all other bills that were passed and not immediately certified this day.

On motion by Senator Villalobos, by two-thirds vote the following bills were placed on the Special Order Calendar for Tuesday, April 6: **CS for SJR 2204, CS for CS for SB 2206, CS for CS for SB 926, CS for SB 708, CS for SB 2054, CS for SB 622, CS for SB 610, CS for SB 1118, CS for SB 436, CS for CS for SB 532, CS for CS for SB 998, and CS for SB 464.**

## REPORTS OF COMMITTEES

The Policy and Steering Committee on Ways and Means submits the following bills to be placed on the Special Order Calendar for Wednesday, March 31, 2010: **SB 2700, SB 2702, CS for SB 1510, CS for SB 1508, CS for SB 1514, CS for CS for SB 1516, CS for SB 1592, CS for CS for SB 1466, CS for CS for SB 1468, CS for CS for SB 1484, CS for CS for SB**

**1464, CS for SB 1396, CS for CS for SB 1400, CS for SB 1368, CS for SB 1344, CS for SB 1436, CS for SB 1438, CS for SB 1442, CS for SB 1444, CS for SB 1646, CS for SB 2374, CS for CS for SB 1238 (Pending Motion), CS for SB 2384, CS for SB 2020, CS for SB 2022, CS for SB 2024, CS for SB 2386.**

Respectfully submitted,  
*JD Alexander, Chair*

## INTRODUCTION AND REFERENCE OF BILLS

### FIRST READING

By Senator Ring—

**SB 2792**—A bill to be entitled An act relating to trust funds; creating the Operating Trust Fund within the Department of Financial Services; providing for the purpose of the trust fund and sources of funds; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

—was referred to the Committee on General Government Appropriations.

By Senator Ring—

**SB 2794**—A bill to be entitled An act relating to trust funds; creating the Administrative Trust Fund within the Executive Office of the Governor; providing for the purpose of the trust fund and sources of funds; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

—was referred to the Committee on General Government Appropriations.

By Senator Ring—

**SB 2796**—A bill to be entitled An act relating to trust funds; creating the Operating Trust Fund within the Executive Office of the Governor; providing for the purpose of the trust fund and sources of funds; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

—was referred to the Committee on General Government Appropriations.

## REFERENCE CHANGES PURSUANT TO RULE 4.7(2)

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.

—was placed on the Calendar.

**MESSAGES FROM THE HOUSE OF REPRESENTATIVES**

**CO-INTRODUCERS**

**RETURNING MESSAGES — FINAL ACTION**

The Honorable Jeff Atwater, President

I am directed to inform the Senate that the House of Representatives has passed SB 1264, CS for SB 1460 and SB 1626; passed CS for SB 1628, CS for SB 1630, SB 1632, CS for SB 1634, CS for SB 1636, CS for SB 1638, CS for SB 1640, CS for SB 1642 and SB 2462 by the required constitutional three-fifths vote of the membership of the House.

*Robert L. "Bob" Ward, Clerk*

The bills contained in the foregoing messages were ordered enrolled.

Senator Crist—CS for CS for SB 234, SB 514, CS for SB 1188, CS for SJR 1254, CS for SB 1430, CS for SB 1472, SB 2160

**RECESS**

On motion by Senator Villalobos, the Senate recessed at 5:14 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 9:00 a.m., Tuesday, April 6 or upon call of the President.

**VOTES RECORDED**

Senator Rich was recorded as voting "yea" on the following bill which was considered March 25: **CS for SB 1752.**

**SENATE PAGES**

March 29-April 2, 2010

**CORRECTION AND APPROVAL OF JOURNAL**

The Journals of March 25 and March 30 were corrected and approved.

Demi Busatta, Cape Coral; Wesley Fishman, Tallahassee; Demarien J. Hawk, Havana; Trevan "T.J." Hughes, Cutler Bay; Jayla Mitchell, Orlando; David "Alex" Roberts, Ponce de Leon