Journal of the Senate

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CONTENTS

Bills on Third Reading 1023, 1035, 1053, 1075, 1077
Call to Order 992, 1035
Co-Introducers 1137
Executive Business, Appointments 1133
Executive Business, Suspensions 1133
House Messages, Final Action 1137
House Messages, First Reading 1134
House Messages, Returning 1065, 1077, 1097
Motions 1013, 1023, 1097, 1132
Motions Relating to Committee Reference 1001, 1005, 1010, 1035, 1053
Point of Order 1081
Resolutions 992
Special Order Calendar 993, 1001, 1005, 1010, 1013, 1096, 1132
Special Recognition 996, 1054
Votes Recorded 1137

CALL TO ORDER

The Senate was called to order by President Atwater at 9:21 a.m. A quorum present—35:

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

PRAYER

The following prayer was offered by Rev. Nathan P. Adams, Saint Paul's United Methodist Church, Tallahassee:

O Gracious Creator of us all, we come to you today, as always, seeking your guidance, direction, and purpose for our day, and particularly for this session of the Florida Senate. A new day has begun. It is a day full of opportunities and possibilities. It is a day full of responsibilities. We are excited, thankful, and humbled to explore each of these. We come here today as individuals from different parts of our state, likely with varying world views, understandings, and priorities. We come, with amongst other things, different experiences, opportunities, and levels of education. While these differences contribute to our individuality, we come today not divided, but as one body. However different we might be, Holy One, we come seeking first to improve the lives of all people within our state. Help us to remember that this is not only our goal, but yours as well, for each day of our lives.

We pray today that a spirit of service permeates this session. May the words that come out of our mouth be words of service. May they be words that seek to create and instill opportunity, hope, and peace. May we speak words that edify and uplift all of the people of Florida, from the Keys to the Panhandle, and all places in between. Challenge each of us to remember that each decision we make today provides a possibility to positively impact the life of someone who has placed his or her trust in us. May that trust not be broken.

We thank you this morning for trusting each of us here. We have been entrusted with the great responsibility of caring for all of your people, your children, and for all of creation. We know that we often break your trust in us. We acknowledge that we often fail to honor one another and creation, and thus, you in our daily actions. We are thankful that when we fail, you are already present, offering healing, wholeness, and comfort. Today, we ask that your presence be felt in those places around our state that hurt this morning, such as the family of Dylan Stewart in Cedar Key, the family of Florida State student Vince Binder, and the family of the young boy killed yesterday in Hollywood.

Mighty One, words can only begin to grasp the reality of you. It is with awe and reverence that we come to you this morning, even though each of us may understand you perhaps a little differently. Move throughout this session, so that we might have ears to listen to one another, a clear mind and tongue to express our ideas, and a heart open to service, justice, and mercy. Work within each of us and amongst us, so that together with you we might enrich the lives of not only ourselves, but every person throughout Florida. God, whose love embraces and surrounds us all, we offer this prayer to you. Amen.

PLEDGE

Senate Pages Prince Vargas of Miami; Lindsey Sanders of Tallahassee; Kierstin Haddock of Orlando; Michael Robinson and Curtis "Ty" Clark of Tallahassee, led the Senate in the pledge of allegiance to the flag of the United States of America.

DOCTOR OF THE DAY

The President recognized Dr. Robert Eanett of Lakeland, sponsored by Senator Dockery, as doctor of the day. Dr. Eanett specializes in Pediatrics.

ADOPTION OF RESOLUTIONS

At the request of Senator Fasano—

By Senator Fasano—

SR 2826—A resolution commending the Florida Association for Behavior Analysis on its 30th Anniversary and recognizing the week of September 6-10, 2010, as "Florida Behavior Analysis Week" in Florida.

WHEREAS, the Florida Association for Behavior Analysis is the nation's largest statewide organization committed to the promotion and support of behavior analysis, and

WHEREAS, for the past 30 years the Florida Association for Behavior Analysis has promoted the ethical, humane, and effective application of behavior principles in all aspects of society, including education, business, rehabilitation facilities, and government, and

WHEREAS, behavior analysis is a science-based, cost-effective approach for training teachers, parents, and caregivers to prevent and solve serious behavior problems, and

WHEREAS, behavior analysis has demonstrated its effectiveness for many applications, including the treatment of autistic individuals, teaching basic self-help skills and language to persons with develop-

mental disabilities, and helping foster parents lovingly raise emotionally difficult children, and

WHEREAS, the behavior analysts who are members of the Florida Association for Behavior Analysis have diverse backgrounds, including consulting firms, state government programs, private therapy practices, and school administrations, and

WHEREAS, the Florida Association for Behavior Analysis holds an annual conference each fall as a forum for exchanging ideas and data-based research relating to behavior analysis, behavior therapy, performance management, and behavior management programming, NOW, THEREFORE,

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

That the Florida Association for Behavior Analysis is recognized for its 30 years of contributions to the field of behavior analysis and that the week of September 6-10, 2010, is recognized as "Florida Behavior Analysis Week" in Florida.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to the Florida Association for Behavior Analysis as a tangible token of the sentiments of the Florida Senate.

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

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

SPECIAL ORDER CALENDAR

Consideration of **SB 838** and **SB 1976** was deferred.

On motion by Senator Baker, by two-thirds vote **HB 7217** was withdrawn from the Committee on Governmental Oversight and Accountability.

On motion by Senator Baker—

HB 7217—A bill to be entitled An act relating to Florida Hurricane Catastrophe Fund emergency assessments; amending s. 215.555, F.S.; delaying the repeal of an exemption from certain emergency assessments provided for medical malpractice insurance premiums and the subjection of such premiums to emergency assessments; providing an effective date.

—a companion measure, was substituted for **CS for SB 1594** and read the second time by title.

Pursuant to Rule 4.19, **HB 7217** was placed on the calendar of Bills on Third Reading.

Consideration of **SB 2190** was deferred.

CS for CS for CS for SB 2138—A bill to be entitled An act relating to health care; repealing s. 112.0455(10)(e), F.S., relating to a prohibition against applying the Drug-Free Workplace Act retroactively; repealing s. 383.325, F.S., relating to the requirement of a licensed facility under s. 383.305, F.S., to maintain inspection reports; repealing s. 395.1046, F.S., relating to the investigation of complaints regarding hospitals; repealing s. 395.3037, F.S.; deleting definitions relating to obsolete provisions governing primary and comprehensive stroke centers; amending s. 400.0239, F.S.; deleting an obsolete provision; repealing s. 400.147(10), F.S., relating to a requirement that a nursing home facility report any notice of a filing of a claim for a violation of a resident's rights or a claim of negligence; repealing s. 400.148, F.S., relating to the Medicaid "Up-or-Out" Quality of Care Contract Management Program; repealing s. 400.195, F.S., relating to reporting requirements for the Agency for Health Care Administration; amending s. 400.476, F.S.; providing requirements for an alternative administrator of a home health agency; revising the duties of the administrator; revising the requirements for a director of nursing for a specified number of home health agencies; prohibiting a home health agency from using an individual as a home health aide unless the person has completed training and an evaluation program; requiring a home health aide to meet certain standards in order to be competent in performing certain tasks; requiring a home health agency and staff to comply with accepted professional standards; providing certain requirements for a written contract between certain personnel and the agency; requiring a home health agency to provide certain services through its employees; authorizing a home health agency to provide additional services with another organization; providing responsibilities of a home health agency when it provides home health aide services through another organization; requiring the home health agency to coordinate personnel who provide home health services; requiring personnel to communicate with the home health agency; amending s. 400.487, F.S.; requiring a home health agency to provide a copy of the agreement between the agency and a patient which specifies the home health services to be provided; providing the rights that are protected by the home health agency; requiring the home health agency to furnish nursing services by or under the supervision of a registered nurse; requiring the home health agency to provide therapy services through a qualified therapist or therapy assistant; providing the duties and qualifications of a therapist and therapy assistant; requiring supervision by a physical therapist or occupational therapist of a physical therapist assistant or occupational therapist assistant; providing duties of a physical therapist assistant or occupational therapist assistant; providing for speech therapy services to be provided by a qualified speech pathologist or audiologist; providing for a plan of care; providing that only the staff of a home health agency may administer drugs and treatments as ordered by certain health professionals; providing requirements for verbal orders; providing duties of a registered nurse, licensed practical nurse, home health aide, and certified nursing assistant who work for a home health agency; providing for supervisory visits of services provided by a home health agency; repealing s. 408.802(11), F.S., relating to the applicability of the Health Care Licensing Procedures Act to private review agents; repealing s. 409.912(15)(e), (f), and (g), F.S., relating to a requirement for the Agency for Health Care Administration to submit a report to the Legislature regarding the operations of the CARE program; amending s. 409.91255, F.S.; transferring administrative responsibility for the application procedure for federally qualified health centers from the Department of Health to the Agency for Health Care Administration; requiring the Florida Association of Community Health Centers, Inc., to provide support and assume administrative costs for the program; repealing s. 429.12(2), F.S., relating to the sale or transfer of ownership of an assisted living facility; repealing s. 429.23(5), F.S., relating to each assisted living facility's requirement to submit a report to the agency regarding liability claims filed against it; repealing s. 429.911(2)(a), F.S., relating to grounds for which the agency may take action against the owner of an adult day care center or its operator or employee; providing appropriations from the General Revenue Fund and the Medical Care Trust Fund to the Agency for Health Care Administration; providing for a recurring reduction in appropriations to the Department of Health; providing a contingency; providing an effective date.

—was read the second time by title.

Senator Jones moved the following amendments which were adopted:

Amendment 1 (968386)—Delete lines 185 and 186 and insert:

d. This person, or similarly qualified alternate, is available at all times by telecommunications during operating hours and participates

Amendment 2 (970428) (with title amendment)—Delete lines 251-254 and insert:

(b) Except for direct employees of the home health agency, if personnel under hourly or per-visit contracts are used by the home health agency, there must be a written contract between those personnel and the agency which specifies the following requirements:

And the title is amended as follows:

Delete line 35 and insert: the agency; providing an exception for direct employees of the home health agency; requiring a home health agency to provide

Senators Peaden and Jones offered the following amendment which was moved by Senator Jones:

Amendment 3 (106964) (with title amendment)—Delete lines 403-420 and insert:

(a) Physical therapy services.—Physical therapy services shall be furnished only by, or under the supervision of, a licensed physical therapist or licensed physical therapist assistant as required under chapter 486 and related rules. A physical therapist assistant shall perform services planned, delegated, and supervised by the physical therapist, assist in preparing clinical notes and progress reports, participate in educating the patient and his or her family, and participate in in-service programs.

(b) Occupational therapy services.—Occupational therapy services shall be furnished only by, or under the supervision of, a licensed occupational therapist or occupational therapy assistant as provided under part III of chapter 468 and related rules. An occupational therapy assistant shall perform any services planned, delegated, and supervised by an occupational therapist, assist in preparing clinical notes and progress reports, participate in educating the patient and his or her family, and participate in in-service programs.

And the title is amended as follows:

Delete lines 52-58 and insert: qualified therapist or therapy assistant; requiring physical therapy services to be provided by or under the supervision of a licensed physical therapist or physical therapist assistant; specifying the duties of a physical therapist assistant; requiring occupational therapy services to be provided by or under the supervision of a licensed occupational therapist or occupational therapy assistant; specifying the duties of an occupational therapy assistant;

MOTION

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

Senators Peaden and Jones offered the following substitute amendment which was moved by Senator Jones and adopted:

Amendment 4 (638182) (with title amendment)—Delete lines 403-420 and insert:

(a) Physical therapy services.—Physical therapy services shall be furnished only by, or under the supervision of, a licensed physical therapist or licensed physical therapist assistant as required under chapter 486 and related rules. A physical therapist assistant shall perform services planned, delegated, and supervised by the physical therapist, assist in preparing clinical notes and progress reports, participate in educating the patient and his or her family, and participate in in-service programs. This paragraph does not limit the services provided by a physician licensed under chapter 458 or chapter 459.

(b) Occupational therapy services.—Occupational therapy services shall be furnished only by, or under the supervision of, a licensed occupational therapist or occupational therapy assistant as provided under part III of chapter 468 and related rules. An occupational therapy assistant shall perform any services planned, delegated, and supervised by an occupational therapist, assist in preparing clinical notes and progress reports, participate in educating the patient and his or her family, and participate in in-service programs. This paragraph does not limit the services provided by a physician licensed under chapter 458 or chapter 459.

And the title is amended as follows:

Delete lines 52-58 and insert: qualified therapist or therapy assistant; requiring physical therapy services to be provided by or under the supervision of a licensed physical therapist or physical therapist assistant; specifying the duties of a physical therapist assistant; requiring occupational therapy services to be provided by or under the supervision of a licensed occupational therapist or occupational therapy assistant; specifying the duties of an occupational therapy assistant;

Senator Jones moved the following amendments which were adopted:

Amendment 5 (887184)—Delete lines 460-462 and insert: *personnel, unless the home health agency providing the home health aide services is not Medicare-certified or Medicaid-certified, does not provide skilled care, or the patient is not receiving skilled care.*

Amendment 6 (561446)—Delete lines 482-486 and insert:

(a) Assignment and duties.—A home health aide or certified nursing assistant shall be assigned to a specific patient by a registered nurse, unless the home health agency providing the home health aide services is not Medicare-certified or Medicaid-certified, does not provide skilled care, or the patient is not receiving skilled care. Written patient

Senator Peaden moved the following amendment:

Amendment 7 (632200) (with title amendment)—Between lines 642 and 643 insert:

Section 14. Paragraphs (f) and (g) of subsection (4) of section 400.9905, Florida Statutes, are amended to read:

400.9905 Definitions.—

(4) "Clinic" means an entity at which health care services are provided to individuals and which tenders charges for reimbursement for such services, including a mobile clinic and a portable equipment provider. For purposes of this part, the term does not include and the licensure requirements of this part do not apply to:

(f) A sole proprietorship, group practice, partnership, ~~or~~ corporation*, or other legal entity* that provides health care services by *practitioners licensed under chapter 458, chapter 459, chapter 461, chapter 466, or chapter 460 and subject to the limitations of s. 460.4167* ~~physicians covered by s. 627.419~~, that is directly supervised by one or more of such physicians *or physician assistants*, and that is wholly owned by one or more of those physicians *or physician assistants* or by a physician *or physician assistant or* ~~and~~ the spouse, parent, child, or sibling of that physician *or physician assistant. A certificate of exemption is valid only for the entity, persons, and location for which it was originally issued.*

1. An individual who is not a medical professional or family member listed in this paragraph may own up to 30 percent of a health care clinic entity that is exempt under this paragraph if the individual obtains prior approval from the agency for ownership of a percentage of a health care clinic. Such an individual is considered an "applicant" under s. 400.991(5) and must meet all the requirements of that section and the level 2 background screening requirements of s. 408.809 before being approved by the agency for ownership of a minority interest in a health care clinic.

2. If an individual who is not a medical professional or family member listed in this paragraph assumes ownership of an investment interest in a health care clinic without the prior approval of the agency, the health care clinic shall lose its exemption from licensure under this paragraph.

3. Ownership of a health care clinic by an individual other than the physician or physician assistant, or by the spouse, parent, child, or sibling of the physician or physician assistant to whom the exemption was granted, may not exceed 30 percent.

(g) A sole proprietorship, group practice, partnership, or corporation that provides health care services by licensed health care practitioners under chapter 457, chapter 458, chapter 459, ~~chapter 460, chapter 461,~~ chapter 462, chapter 463, chapter 466, chapter 467, chapter 480, chapter 484, chapter 486, chapter 490, chapter 491, or part I, part III, part X, part XIII, or part XIV of chapter 468, or s. 464.012, which are wholly owned by one or more licensed health care practitioners, or the licensed health care practitioners set forth in this paragraph and the spouse, parent, child, or sibling of a licensed health care practitioner, so long as one of the owners who is a licensed health care practitioner is *directly* supervising *health care services* ~~the business activities~~ and is legally responsible for the entity's compliance with all federal and state laws. However, a health care practitioner *who is a supervising owner* may not supervise services beyond the scope of the practitioner's license, except that, for the purposes of this part, a clinic owned by a licensee in s. 456.053(3)(b) that provides only services authorized pursuant to s. 456.053(3)(b) may be supervised by a licensee specified in s. 456.053(3)(b). *A certificate of exemption is valid only for the entity, persons, and location for which it was originally issued.*

And the title is amended as follows:

Delete line 82 and insert: assume administrative costs for the program; amending s. 400.9905, F.S.; revising the definition of the term "clinic" applicable to the Health Care Clinic Act; providing exemptions from licensure requirements for certain legal entities that provide health care services; repealing

Senator Peaden moved the following amendment to **Amendment 7** which was adopted:

Amendment 7A (783532)—Delete line 49 and insert: chapter 459, ~~chapter 460,~~ chapter 461, chapter 462, chapter 463,

Amendment 7 as amended was adopted.

On motion by Senator Gardiner, further consideration of **CS for CS for CS for SB 2138** as amended was deferred.

The Senate resumed consideration of—

SB 1106—A bill to be entitled An act relating to fraudulently taking or using a credit card; amending s. 817.60, F.S.; providing that a person who takes a credit card from the possession, custody, or control of another without the cardholder's consent, who possesses, receives, or retains custody of the credit card with the knowledge that it has been taken, or who receives the credit card with the intent to use it, to sell it, or to transfer it to a person other than the issuer or the cardholder commits a felony of the third degree rather than a misdemeanor of the first degree; providing increased criminal penalties; providing an effective date.

—which was previously considered April 28 with pending **Amendment 1 (695602)** by Senator Storms and substitute **Amendment 2 (802850)** by Senator Baker. **Amendment 2 (802850)** was withdrawn.

On motion by Senator Crist, further consideration of **SB 1106** with pending **Amendment 1 (695602)** was deferred.

On motion by Senator Altman, by two-thirds vote **HB 545** was withdrawn from the Committee on Banking and Insurance.

On motion by Senator Altman—

HB 545—A bill to be entitled An act relating to residential property sales; repealing s. 689.262, F.S., relating to sales of residential property in wind-borne debris regions and required disclosures of windstorm mitigation ratings to purchasers; providing an effective date.

—a companion measure, was substituted for **SB 2190** and read the second time by title.

Pursuant to Rule 4.19, **HB 545** was placed on the calendar of Bills on Third Reading.

SB 1976—A bill to be entitled An act relating to the Department of Revenue; amending s. 55.204, F.S.; specifying the duration of liens securing the payment of unemployment compensation tax obligations; amending s. 95.091, F.S.; creating an exception to a limit on the duration of tax liens for certain tax liens relating to unemployment compensation taxes; amending s. 201.02, F.S.; providing that the tax on deeds and other instruments relating to real property does not apply to property sold pursuant to a short sale; defining the term "short sale"; authorizing the department to adopt rules; amending s. 202.125, F.S.; providing that an exemption from the communications services tax does not apply to transient public lodging establishments; amending s. 212.05, F.S.; specifying that the tax on sales, use, and other transactions applies to charges for nonresidential building cleaning and nonresidential building pest control; amending s. 212.0515, F.S.; revising the contents of the notice that must be posted on vending machines; amending s. 212.08, F.S.; providing criteria to determine whether the tax on sales, use, and other transactions applies to a package containing exempt food products and taxable nonfood products; providing that the tax exemption for building materials used in the rehabilitation of real property in an enterprise zone applies only while the property is being rehabilitated; providing that a single application for a tax refund of taxes paid on building materials used in the rehabilitation of real property may be used for certain contiguous parcels; revising the information that must be included in an application for a tax refund; providing that the tax exemption for building materials used in an enterprise zone may inure to a unit of government; revising the date by which an application for a tax refund for taxes paid on building materials used in an enterprise zone must be submitted to the department; amending s. 213.053, F.S.; authorizing the department to provide certain confidential taxpayer information to the Florida Energy and Climate Commission; providing for such authority to operate retroactively; providing that restrictions on disclosure of confidential taxpayer information do not prohibit the department from using certain methods of electronic communication for certain purposes; providing that the department may release confidential taxpayer information relating to a corporation having an outstanding tax warrant to the Department of Business and Professional Regulation; authorizing the department to share taxpayer names and identification numbers for purposes of information-sharing agreements with financial institutions; authorizing the department to share certain information relating to the tax on sales, use, and other transactions with the Department of Environmental Protection; authorizing the department to publish a list of taxpayers against whom it has filed a warrant or judgment lien certificate; requiring the department to update the list at least monthly; authorizing the department to adopt rules; authorizing the department to provide confidential taxpayer information relating to collections from taxpayers against whom it has taken a collection action; creating s. 213.0532, F.S.; defining terms; requiring the department and certain financial institutions to enter into information-sharing agreements to enable the department to obtain the account balances and personally identifying information of taxpayers; authorizing the department and certain financial institutions to enter into information-sharing agreements to enable the department to obtain the account balances and personally identifying information of taxpayers; limiting the use of information gathered for the purpose of enforcing the collection of certain taxes and fees; requiring the department to pay a fee to the financial institutions for their services; limiting the liability for certain acts of financial institutions that enter into an information-sharing agreement; authorizing the department to adopt rules; amending s. 213.25, F.S.; authorizing the department to reduce a tax refund or credit owing to a taxpayer to the extent of liability for unemployment compensation taxes; amending s. 213.50, F.S.; authorizing the Department of Business and Professional Regulation to revoke or deny the renewal of a license for a hotel or restaurant having an outstanding tax warrant for a certain period of time; amending s. 213.67, F.S.; specifying additional methods by which the department may give notice of a tax delinquency; creating s. 213.758, F.S.; defining terms; providing for the transfer of tax liabilities to the transferee of a business or a stock of goods under certain circumstances; providing exceptions; requiring a taxpayer who quits a business to file a final tax return; authorizing the Department of Legal Affairs to seek injunctions to prevent business activities until taxes are paid; requiring the transferor of a business or stock of goods to file a final tax return and make a full tax payment after a transfer; authorizing a transferee of a business or stock of goods to withhold a portion of the consideration for the transfer for the payment of certain taxes; authorizing the Department of Legal Affairs to seek an injunction to prevent business activities by a transferee until the taxes are paid; providing that the transferees are jointly and severally liable with the transferor for the payment of taxes, interest, or penalties under certain circumstances; limiting the transferee's liability to the value or purchase price of the transferred property; specifying a time period within which a transferee may file certain actions; authorizing the department to adopt rules; amending s. 220.192, F.S.; providing for the administration of certain portions of the renewable energy technologies tax credit program by the Florida Energy and Climate Commission; providing for retroactive application; amending s. 336.021, F.S.; revising the distribution of the ninth-cent fuel tax on motor fuel and diesel fuel; amending s. 443.036, F.S.; providing for the treatment of a single-member limited liability company as the employer for purposes of unemployment compensation; amending s. 443.1215, F.S.; correcting a cross-reference; amending s. 443.1316, F.S.; conforming cross-references; amending s. 443.141, F.S.; providing penalties for erroneous, incomplete, or insufficient reports relating to unemployment compensation taxes; authorizing a waiver of the penalty under certain circumstances; defining a term; authorizing the Agency for Workforce Innovation and the state agency providing unemployment compensation tax collection services to adopt rules; providing an expiration date for liens for contributions and reimbursements; amending s. 443.163, F.S.; increasing penalties for failing to file Employers Quarterly Reports by means other

than approved electronic means; revising the conditions under which the electronic filing requirement may be waived; creating s. 213.692, F.S.; authorizing the department to revoke all certificates of registration, permits, or licenses issued to a taxpayer against whose property the department has filed a warrant or tax lien; requiring the scheduling of an informal conference before revocation of the certificates of registration, permits, or licenses; prohibiting the department from issuing a certificate of registration, permit, or license to a taxpayer whose certificate of registration, permit, or license has been revoked; providing exceptions; requiring security as a condition of issuing a new certificate of registration to a person whose certificate of registration, permit, or license has been revoked after the filing of a warrant or tax lien certificate; authorizing the department to adopt rules, including emergency rules; repealing s. 195.095, F.S., relating to the authority of the Department of Revenue to develop lists of bidders that are approved to contract with property appraisers, tax collectors, or county commissions for assessment or collection services; repealing s. 213.054, F.S., relating to monitoring and reporting on the use of a tax deduction claimed by international banking institutions; providing effective dates.

—was read the second time by title.

Amendments were considered and adopted to conform **SB 1976** to **CS for HB 7157**.

Pending further consideration of **SB 1976** as amended, on motion by Senator Altman, by two-thirds vote **CS for HB 7157** was withdrawn from the Committee on Commerce.

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

CS for HB 7157—A bill to be entitled An act relating to taxation; amending s. 55.204, F.S.; specifying the duration of liens securing the payment of unemployment compensation tax obligations; amending s. 95.091, F.S.; applying an exception to a limit on the duration of tax liens for certain tax liens relating to unemployment compensation taxes; amending s. 201.02, F.S.; excluding certain unpaid indebtedness from the taxable consideration for short sale transfers of real property; defining the term "short sale"; amending s. 202.125, F.S.; providing that an exemption from the communications services tax does not apply to transient public lodging establishments; amending s. 212.05, F.S.; specifying that the tax on sales, use, and other transactions applies to charges for nonresidential building cleaning and nonresidential building pest control; amending s. 212.0515, F.S.; revising the content of a required notice that must be posted on vending machines; amending s. 212.08, F.S.; providing criteria to determine whether the tax on sales, use, and other transactions applies to a package containing exempt food products and taxable nonfood products; providing that the tax exemption for building materials used in the rehabilitation of real property in an enterprise zone applies only while the property is being rehabilitated; providing that a single application for a tax refund of taxes paid on building materials used in the rehabilitation of real property may be used for certain contiguous parcels; revising the information that must be included in an application for a tax refund; providing that the tax exemption for building materials used in an enterprise zone may inure to a unit of government; revising the date by which an application for a tax refund for taxes paid on building materials used in an enterprise zone must be submitted to the department; amending s. 212.08, F.S.; revising provisions excluding certain sales of tangible personal property to contractors from application of an exemption for sales made to governmental entities under certain circumstances; specifying additional requirements, procedures, and limitations; requiring the Department of Revenue to adopt rules for purposes of determining eligibility for the exemption and providing for a certificate of entitlement to the exemption; specifying certification requirements; authorizing the department to adopt emergency rules; providing for time of effect of emergency rules; amending s. 213.053, F.S.; authorizing the department to provide certain confidential taxpayer information to the Florida Energy and Climate Commission; providing for retroactive operation; providing that restrictions on disclosure of confidential taxpayer information do not prohibit the department from using certain methods of electronic communication for certain purposes; providing that the department may release confidential taxpayer information relating to a corporation having an outstanding tax warrant to the Department of Business and Professional Regulation; authorizing the department to share taxpayer names and identification numbers for purposes of information-sharing agreements with financial institutions; authorizing the department to share certain information relating to the tax on sales, use, and other transactions with the Department of Environmental Protection; authorizing the department to publish a list of taxpayers against whom it has filed a warrant or judgment lien certificate; requiring the department to update the list at least monthly; authorizing the department to adopt rules; authorizing the department to provide confidential taxpayer information relating to collections from taxpayers against whom it has taken a collection action; creating s. 213.0532, F.S.; defining terms; requiring the department and certain financial institutions to enter into information-sharing agreements to enable the department to obtain the account balances and personally identifying information of taxpayers; authorizing the department and certain financial institutions to enter into information-sharing agreements to enable the department to obtain the account balances and personally identifying information of taxpayers; limiting the use of information gathered for the purpose of enforcing the collection of certain taxes and fees; requiring the department to pay a fee to the financial institutions for their services; limiting the liability for certain acts of financial institutions that enter into an information-sharing agreement; authorizing the department to adopt rules; amending s. 213.25, F.S.; authorizing the department to reduce a tax refund or credit owing to a taxpayer to the extent of liability for unemployment compensation taxes; amending s. 213.50, F.S.; authorizing the Division of Hotels and Restaurants of the Department of Business and Professional Regulation to suspend or deny the renewal of a license for a hotel or restaurant having an outstanding tax warrant for a certain period of time; amending s. 213.67, F.S.; specifying additional methods by which the department may give notice of a tax delinquency for garnishment purposes; amending s. 220.192, F.S.; providing for the administration of certain portions of the renewable energy technologies tax credit program by the Florida Energy and Climate Commission; providing for retroactive application; amending s. 336.021, F.S.; revising the distribution of the ninth-cent fuel tax on motor fuel and diesel fuel; amending s. 443.036, F.S.; providing for the treatment of a single-member limited liability company as the employer for purposes of unemployment compensation law; amending s. 443.1215, F.S.; correcting a cross-reference; amending s. 443.1316, F.S.; conforming cross-references; amending s. 443.141, F.S.; providing penalties for erroneous, incomplete, or insufficient reports; authorizing a waiver of the penalty under certain circumstances; defining a term; authorizing the Agency for Workforce Innovation and the state agency providing unemployment compensation tax collection services to adopt rules; providing an expiration date for liens for contributions and reimbursements; amending s. 443.163, F.S.; increasing penalties for failing to file Employers Quarterly Reports by means other than approved electronic means; revising waiver provisions; creating s. 213.692, F.S.; authorizing the Department of Revenue to revoke all certificates of registration, permits, or licenses issued to a taxpayer against whose property the department has filed a warrant or tax lien; requiring the scheduling of an informal conference before revocation of the certificates of registration, permits, or licenses; prohibiting the Department of Revenue from issuing a certificate of registration, permit, or license to a taxpayer whose certificate of registration, permit, or license has been revoked; providing exceptions; requiring security as a condition of issuing a new certificate of registration to a person whose certificate of registration, permit, or license has been revoked after the filing of a warrant or tax lien certificate; authorizing the department to adopt rules, including emergency rules; repealing s. 195.095, F.S., relating to the authority of the Department of Revenue to develop lists of bidders that are approved to contract with property appraisers, tax collectors, or county commissions for assessment or collection services; repealing s. 213.054, F.S., relating to monitoring and reporting on the use of a tax deduction claimed by international banking institutions; providing effective dates.

—a companion measure, was substituted for **SB 1976** as amended and by two-thirds vote read the second time by title.

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

SPECIAL RECOGNITION

At the request of the President, staff members of the Senate Committees and the offices of Bill Drafting, the Sergeant at Arms and the Secretary were present in the chamber. The President recognized and thanked the staff members on behalf of the Senators.

Consideration of **CS for CS for SB 924** was deferred.

CS for CS for SB 1330—A bill to be entitled An act relating to the Department of Business and Professional Regulation; amending s. 20.165, F.S.; assigning certain programs to regulation by the department's Division of Professions; amending ss. 215.37 and 455.017, F.S.; specifying that the department is responsible for the regulation of certain professions; amending s. 322.142, F.S.; authorizing the Department of Highway Safety and Motor Vehicles to issue reproductions of driver's licenses to the Department Business and Professional Regulation pursuant to an interagency agreement for a specified purpose; amending s. 455.02, F.S.; authorizing the temporary professional licensure of the spouses of active duty members of the United States Armed Forces under certain circumstances; providing application requirements; requiring criminal history checks and fees; creating s. 455.2122, F.S.; authorizing distance learning courses to satisfy certain licensing education requirements for community association managers and real estate brokers and sales associates; prohibiting requirements for centralized examinations to complete such education requirements; amending s. 455.2123, F.S.; authorizing distance learning courses to satisfy certain continuing education requirements for community association managers, home inspectors, mold assessors and remediators, and real estate brokers, sales associates, and appraisers; prohibiting requirements for centralized examinations to complete such education requirements; amending s. 455.213, F.S.; requiring a licensee to surrender his or her license under certain circumstances; amending s. 455.217, F.S.; revising the departmental unit responsible for administration of certain examinations; limiting an applicant's review of failed examination questions; amending s. 455.2175, F.S.; prohibiting an examinee whose examination materials are confiscated from taking another examination under certain circumstances; repealing s. 455.2226, F.S., relating to continuing education courses on HIV and AIDS required for licensees and certificateholders under the Florida Funeral, Cemetery, and Consumer Services Act; amending s. 455.227, F.S.; revising grounds for the discipline of professional licensees; providing penalties; amending s. 455.228, F.S.; revising terminology for cease and desist notices; amending s. 455.275, F.S.; providing for the service of administrative complaints on certain licensees and publication of certain notices; amending s. 468.83, F.S.; creating the home inspection services licensing program within the department; amending s. 468.8311, F.S.; revising the definition of the term "home inspection services" for purposes of provisions regulating home inspectors; amending s. 468.8312, F.S.; deleting limits on fees for certificates of authorization to conform to changes made by the act; amending s. 468.8313, F.S.; requiring home inspector license applicants to satisfy certain examination requirements before application for licensure; requiring criminal history checks and fees; amending s. 468.8318, F.S.; deleting requirements for certificates of authorization for corporations or partnerships offering home inspection services; amending s. 468.8319, F.S.; prohibiting certain acts relating to home inspection services; delaying implementation of certain prohibited acts; providing penalties; exempting from punishment certain unlicensed activity occurring before a specified date; amending s. 468.832, F.S.; providing an additional ground for discipline of licensed home inspectors; amending s. 468.8324, F.S.; extending the time for licensure of home inspectors under certain grandfather provisions; revising the licensing criteria for such provisions; authorizing the department to investigate the validity of home inspection reports submitted for licensure under the grandfather provisions; providing penalties for the submission of false reports; creating s. 468.8325, F.S.; requiring the department to adopt rules; amending s. 468.84, F.S.; creating the mold-related services licensing program within the department; amending s. 468.8412, F.S.; deleting limits on fees for certificates of authorization to conform to changes made by the act; amending s. 468.8413, F.S.; requiring mold assessor and mold remediator license applicants to satisfy certain examination requirements before application for licensure; revising the educational requirements for licensure as a mold assessor or mold remediator; requiring criminal history checks and fees; amending s. 468.8414, F.S.; specifying that certain insurance coverage is required for licensure by endorsement; amending s. 468.8418, F.S.; deleting requirements for certificates of authorization for corporations or partnerships offering mold-related services; amending s. 468.8419, F.S.; prohibiting certain acts relating to mold assessment and remediation; delaying implementation of certain prohibited acts; providing penalties; exempting from punishment certain unlicensed activity occurring before a specified date; amending s. 468.842, F.S.; providing an additional ground for the discipline of licensed mold assessors and mold remediators; amending s. 468.8421, F.S.; revising insurance coverage requirements for mold assessors; amending s. 468.8423, F.S.; extending the time for licensure of mold assessors and mold remediators under certain grandfather provisions; revising the licensing criteria for such provisions; authorizing the department to investigate the validity of mold assessments and remediation invoices submitted for licensure under the grandfather provisions; providing penalties for the submission of false assessments or invoices; creating s. 468.8424, F.S.; requiring the department to adopt rules; amending s. 474.203, F.S.; revising certain exemptions from regulation of veterinary medical practice; amending s. 475.02, F.S.; authorizing certain members of the Florida Real Estate Commission to offer, conduct, and teach courses prescribed or approved by the commission or the department; amending s. 475.175, F.S.; revising the application and fingerprint requirements for real estate broker and sales associate licenses; deleting a requirement that license applicants provide fingerprints in an electronic format; amending s. 475.613, F.S.; revising qualifications of members of the Florida Real Estate Appraisal Board; authorizing certain board members to offer, conduct, and teach courses prescribed or approved by the board or the department; amending s. 477.019, F.S.; deleting time limits for cosmetology license applicants to take the licensure examination; conforming a cross-reference; amending s. 509.211, F.S.; assigning responsibility for the regulation of carbon monoxide hazards in certain public lodging establishments to the Division of State Fire Marshal of the Department of Financial Services; creating s. 548.076, F.S.; authorizing the Department of Business and Professional Regulation to issue and enforce notices to cease and desist from violations of provisions regulating pugilistic exhibitions; providing penalties; amending s. 561.17, F.S.; revising application requirements for alcoholic beverage licenses; reenacting ss. 468.436(2)(a), 468.832(1)(a), 468.842(1)(a), 471.033(1)(a), 473.323(1)(a), 475.25(1)(a), 475.624(1), 476.204(1)(h), 477.029(1)(h), 481.225(1)(a), and 481.325(1)(a), F.S., relating to disciplinary proceedings for community association managers, home inspectors, mold assessors, mold remediators, engineers, certified public accountants, real estate brokers and sales associates, real estate appraisers, barbers, cosmetologists, architects, and landscape architects, to incorporate the amendment made to s. 455.227, F.S., in references thereto; reenacting s. 468.8314(2), F.S., relating to the licensure of home inspectors, to incorporate the amendment made to s. 468.832, F.S., in a reference thereto; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for CS for SB 1330** to **CS for CS for CS for HB 713**.

Pending further consideration of **CS for CS for SB 1330** as amended, on motion by Senator Fasano, by two-thirds vote **CS for CS for CS for HB 713** was withdrawn from the Committees on Regulated Industries; and General Government Appropriations.

On motion by Senator Fasano—

CS for CS for CS for HB 713—A bill to be entitled An act relating to the Department of Business and Professional Regulation; amending s. 20.165, F.S.; assigning certain programs to regulation by the department's Division of Professions; amending ss. 215.37 and 455.017, F.S.; specifying that the department is responsible for the regulation of certain professions; amending s. 322.142, F.S.; authorizing the Department of Highway Safety and Motor Vehicles to issue reproductions of driver's licenses to the Department Business and Professional Regulation pursuant to an interagency agreement for a specified purpose; amending s. 455.02, F.S.; authorizing the temporary professional licensure of the spouses of active duty members of the United States Armed Forces under certain circumstances; providing application requirements; requiring criminal history checks and fees; creating s. 455.2122, F.S.; authorizing distance learning courses to satisfy certain licensing education requirements for community association managers and real estate brokers and sales associates; prohibiting requirements for centralized examinations to complete such education requirements; amending s. 455.2123, F.S.; authorizing distance learning courses to satisfy certain continuing education requirements for community association managers, home inspectors, mold assessors and remediators, and real estate brokers, sales associates, and appraisers; prohibiting requirements for centralized examinations to complete such education requirements; amending s. 455.213, F.S.; requiring a licensee to surrender his or her license under certain circumstances; amending s. 455.217, F.S.; revising the departmental unit responsible for administration of certain ex-

aminations; limiting an applicant's review of failed examination questions; amending s. 455.2175, F.S.; prohibiting an examinee whose examination materials are confiscated from taking another examination under certain circumstances; repealing s. 455.2226, F.S., relating to continuing education courses on HIV and AIDS required for licensees and certificateholders under the Florida Funeral, Cemetery, and Consumer Services Act; amending s. 455.227, F.S.; revising grounds for the discipline of professional licensees; providing penalties; amending s. 455.228, F.S.; revising terminology for cease and desist notices; amending s. 455.275, F.S.; providing for the service of administrative complaints on certain licensees and publication of certain notices; amending s. 468.83, F.S.; creating the home inspection services licensing program within the department; amending s. 468.8311, F.S.; revising the definition of the term "home inspection services" for purposes of provisions regulating home inspectors; amending s. 468.8312, F.S.; deleting limits on fees for certificates of authorization to conform to changes made by the act; amending s. 468.8313, F.S.; requiring home inspector license applicants to satisfy certain examination requirements before application for licensure; requiring criminal history checks and fees; amending s. 468.8318, F.S.; deleting requirements for certificates of authorization for corporations or partnerships offering home inspection services; amending s. 468.8319, F.S.; prohibiting certain acts relating to home inspection services; delaying implementation of certain prohibited acts; providing penalties; providing an exemption for certain certified contractors; authorizing the department to require certain disclosures on contracts for home repairs performed by such contractors; exempting from punishment certain unlicensed activity occurring before a specified date; amending s. 468.832, F.S.; providing an additional ground for discipline of licensed home inspectors; amending s. 468.8324, F.S.; extending the time for licensure of home inspectors under certain grandfather provisions; revising the licensing criteria for such provisions; authorizing the department to investigate the validity of home inspection reports submitted for licensure under the grandfather provisions; providing penalties for the submission of false reports; creating s. 468.8325, F.S.; requiring the department to adopt rules; amending s. 468.84, F.S.; creating the mold-related services licensing program within the department; amending s. 468.8412, F.S.; deleting limits on fees for certificates of authorization to conform to changes made by the act; amending s. 468.8413, F.S.; requiring mold assessor and mold remediator license applicants to satisfy certain examination requirements before application for licensure; revising the educational requirements for licensure as a mold assessor or mold remediator; requiring criminal history checks and fees; amending s. 468.8414, F.S.; specifying that certain insurance coverage is required for licensure by endorsement; amending s. 468.8418, F.S.; deleting requirements for certificates of authorization for corporations or partnerships offering mold-related services; amending s. 468.8419, F.S.; prohibiting certain acts relating to mold assessment and remediation; delaying implementation of certain prohibited acts; providing penalties; providing exemptions for certain certified contractors; authorizing the department to require certain disclosures on contracts for mold-related services performed by such contractors; exempting from punishment certain unlicensed activity occurring before a specified date; amending s. 468.842, F.S.; providing an additional ground for discipline of licensed mold assessors and mold remediators; amending s. 468.8421, F.S.; revising insurance coverage requirements for mold assessors; amending s. 468.8423, F.S.; extending the time for licensure of mold assessors and mold remediators under certain grandfather provisions; revising the licensing criteria for such provisions; authorizing the department to investigate the validity of mold assessments and remediation invoices submitted for licensure under the grandfather provisions; providing penalties for the submission of false assessments or invoices; creating s. 468.8424, F.S.; requiring the department to adopt rules; amending s. 474.203, F.S.; revising certain exemptions from regulation of veterinary medical practice; amending s. 475.02, F.S.; authorizing certain members of the Florida Real Estate Commission to offer, conduct, and teach courses prescribed or approved by the commission or the department; amending s. 475.175, F.S.; revising the application and fingerprint requirements for real estate broker and sales associate licenses; deleting a requirement that license applicants provide fingerprints in an electronic format; amending s. 475.613, F.S.; revising qualifications of members of the Florida Real Estate Appraisal Board; authorizing certain board members to offer, conduct, and teach courses prescribed or approved by the board or the department; amending s. 477.019, F.S.; deleting time limits for cosmetology license applicants to take the licensure examination; conforming a cross-reference; amending s. 509.211, F.S.; assigning responsibility for the regulation of carbon monoxide hazards in certain public lodging establishments to the Division of State Fire Marshal of the Department of Financial Services; creating s. 548.076, F.S.; authorizing the Department of Business and Professional Regulation to issue and enforce notices to cease and desist from violations of provisions regulating pugilistic exhibitions; providing penalties; amending s. 561.17, F.S.; revising application requirements for alcoholic beverage licenses; reenacting ss. 468.436(2)(a), 468.832(1)(a), 468.842(1)(a), 471.033(1)(a), 473.323(1)(a), 475.25(1)(a), 475.624(1), 476.204(1)(h), 477.029(1)(h), 481.225(1)(a), and 481.325(1)(a), F.S., relating to disciplinary proceedings for community association managers, home inspectors, mold assessors, mold remediators, engineers, certified public accountants, real estate brokers and sales associates, real estate appraisers, barbers, cosmetologists, architects, and landscape architects, to incorporate the amendment made to s. 455.227, F.S., in references thereto; reenacting s. 468.8314(2), F.S., relating to the licensure of home inspectors, to incorporate the amendment made to s. 468.832, F.S., in a reference thereto; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1330** as amended and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for CS for HB 713** was placed on the calendar of Bills on Third Reading.

CS for CS for CS for SB 382—A bill to be entitled An act relating to the Department of Agriculture and Consumer Services; amending s. 369.20, F.S.; requiring the Fish and Wildlife Conservation Commission to enter into an agreement with the Department of Environmental Protection relating to the uniform application of pesticides to the waters of the state; revising exemptions from water pollution permits; amending s. 373.1391, F.S.; requiring that the agricultural use of land present at the time of fee simple acquisition be given priority regarding the management of the land; amending s. 403.088, F.S.; requiring a permit for applying pesticide to the waters of the state; requiring the Department of Environmental Protection to enter into agreements with the Department of Agriculture and Consumer Services and the Fish and Wildlife Conservation Commission relating to the uniform application of pesticides to the waters of the state; providing a temporary deviation from the acute toxicity provisions provided by rule for pesticide application under certain circumstances; amending s. 403.9336, F.S.; revising a reference to the Model Ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes; amending s. 487.163, F.S.; requiring the Department of Agriculture and Consumer Services to enter into an agreement with the Department of Environmental Protection relating to the uniform application of pesticides to the waters of the state; amending s. 493.6102, F.S.; specifying that provisions regulating security officers do not apply to certain law enforcement, correctional, and probation officers performing off-duty activities; amending s. 493.6105, F.S.; revising the application requirements and procedures for certain private investigative, private security, recovery agent, and firearm licenses; specifying application requirements for firearms instructor licenses; amending s. 493.6106, F.S.; revising citizenship requirements and documentation for certain private investigative, private security, and recovery agent licenses; prohibiting the licensure of applicants for a statewide firearm license or firearms instructor license who are prohibited from purchasing or possessing firearms; requiring that private investigative, security, and recovery agencies notify the Department of Agriculture and Consumer Services of changes to their branch office locations; amending s. 493.6107, F.S.; requiring the department to accept certain methods of payment for certain fees; amending s. 493.6108, F.S.; revising requirements for criminal history checks of license applicants whose fingerprints are not legible; requiring the investigation of the mental and emotional fitness of applicants for firearms instructor licenses; amending s. 493.6111, F.S.; requiring a security officer school or recovery agent school to obtain the department's approval for use of a fictitious name; specifying that a licensee may not conduct business under more than one fictitious name; amending s. 493.6113, F.S.; revising application renewal procedures and requirements; amending s. 493.6115, F.S.; conforming cross-references; amending s. 493.6118, F.S.; authorizing disciplinary action against statewide firearm licensees and firearms instructor licensees who are prohibited from purchasing or possessing firearms; amending s. 493.6121, F.S.; deleting provisions for the department's access to certain criminal history records provided to licensed gun dealers, manufacturers, and exporters; amending s. 493.6202, F.S.; requiring the department to accept certain methods of payment for certain fees; amending s. 493.6203, F.S.; prohibiting body-

guard services from being credited toward certain license requirements; revising the training requirements for private investigator intern license applicants; requiring the automatic suspension of an intern's license under certain circumstances; providing an exception; amending s. 493.6302, F.S.; requiring the department to accept certain methods of payment for certain fees; amending s. 493.6303, F.S.; revising the training requirements for security officer license applicants; amending s. 493.6304, F.S.; revising application requirements and procedures for security officer school licenses; amending s. 493.6401, F.S.; revising terminology for recovery agent schools and training facilities; amending s. 493.6402, F.S.; revising terminology for recovery agent schools and training facilities; requiring the department to accept certain methods of payment for certain fees; amending s. 493.6406, F.S.; revising terminology; requiring recovery agent school and instructor licenses; providing license application requirements and procedures; amending s. 500.033, F.S.; revising the membership of the Florida Food Safety and Food Defense Advisory Council; amending ss. 501.605 and 501.607, F.S.; revising application requirements for commercial telephone seller and salesperson licenses; amending s. 501.913, F.S.; specifying the sample size required for antifreeze registration application; amending s. 525.01, F.S.; revising requirements for petroleum fuel affidavits; amending s. 525.09, F.S.; imposing an inspection fee on certain alternative fuels containing alcohol; amending s. 526.50, F.S.; defining terms applicable to regulation of the sale of brake fluid; amending s. 526.51, F.S.; revising application requirements for brake fluid permits; amending s. 526.52, F.S.; revising requirements for printed statements on brake fluid containers; amending s. 526.53, F.S.; revising requirements and procedures for brake fluid stop-sale orders; authorizing businesses to dispose of unregistered brake fluid under certain circumstances; amending s. 527.0201, F.S.; revising requirements for liquefied petroleum gas qualifying examinations; increasing continuing education requirements for certain liquefied petroleum gas qualifiers; amending s. 527.12, F.S.; providing for the issuance of certain stop orders; amending ss. 559.805 and 559.928, F.S.; deleting social security numbers as a listing requirement on registration affidavits for independent agents of sellers of business opportunities; amending s. 570.0725, F.S.; revising provisions for public information about food banks and similar food recovery programs; authorizing the department to adopt rules; amending ss. 570.53 and 570.54, F.S.; conforming cross-references; amending s. 570.55, F.S.; revising requirements for identifying sellers or handlers of tropical or subtropical fruit or vegetables; amending s. 570.902, F.S.; conforming terminology to the repeal by the act of provisions establishing the Florida Agricultural Museum; amending s. 570.903, F.S.; revising provisions for direct-support organizations for certain agricultural programs to conform to the repeal by the act of provisions establishing the Florida Agricultural Museum; deleting provisions for a direct-support organization for the Florida State Collection of Arthropods; amending s. 573.118, F.S.; requiring the department to maintain records of marketing orders; requiring an audit at the request of an advisory council; requiring that the advisory council receive a copy of the audit within a specified time; amending s. 581.011, F.S.; deleting terminology relating to the Florida State Collection of Arthropods; revising the term "nursery" for purposes of plant industry regulations; amending s. 581.211, F.S.; increasing the maximum fine for violations of plant industry regulations; amending s. 583.13, F.S.; deleting a prohibition on the sale of poultry without displaying the poultry grade; amending s. 585.61, F.S.; designating the animal disease diagnostic laboratory complex in Osceola County; amending s. 590.125, F.S.; revising terminology for open burning authorizations; specifying purposes of certified prescribed burning; requiring the authorization of the Division of Forestry for certified pile burning; providing pile burning requirements; limiting the liability of property owners or agents engaged in pile burning; providing for the certification of pile burners; providing penalties for violations by certified pile burners; requiring rules; authorizing the division to adopt rules regulating certified pile burning; revising notice requirements for wildfire hazard reduction treatments; providing for approval of local government open burning authorization programs; providing program requirements; authorizing the division to close local government programs under certain circumstances; providing penalties for violations of local government open burning requirements; amending s. 590.14, F.S.; authorizing fines for violations of any division rule; providing penalties for certain violations; providing legislative intent; amending s. 599.004, F.S.; revising standards that a winery must meet to qualify as a certified Florida Farm Winery; amending s. 604.15, F.S.; revising the term "agricultural products" to make tropical foliage exempt from regulation under provisions relating to dealers in agricultural products; defining the term "responsible position"; amending s. 604.19, F.S.; revising requirements for late fees on agricultural products dealer applications; amending s. 604.25, F.S.; revising conditions under which the department may deny, refuse to renew, suspend, or revoke agricultural products dealer licenses; deleting a provision prohibiting certain persons from holding a responsible position with a licensee; amending s. 616.242, F.S.; authorizing the issuance of stop-operation orders for amusement rides under certain circumstances; amending s. 624.4095, F.S.; prohibiting certain gross written premiums for federal multiple-peril crop insurance from being included in certain insurer calculations; amending s. 686.201, F.S.; exempting contracts to which a seller of travel is a party from provisions governing certain contracts involving commissions; amending s. 790.06, F.S.; authorizing a concealed firearm license applicant to submit fingerprints administered by the Division of Licensing; repealing ss. 570.071 and 570.901, F.S., relating to the Florida Agricultural Exposition and the Florida Agricultural Museum; creating s. 828.126, F.S.; providing a definition for the term "sexual activities" as it involves animals; prohibiting persons from engaging in sexual activities with animals; providing penalties; providing that such prohibition does not apply to normal and ordinary animal husbandry practices, conformation judging practices, or accepted veterinary medical practices; requiring that the department and representatives of the state pest control industry prepare a report for the President of the Senate, the Speaker of the House of Representatives, and the chairpersons of specified legislative committees by a certain date; requiring that the report include recommendations for changes in the law to provide for disciplinary action against licensees of the pest control industry under certain circumstances; providing that the report may also address additional issues of concern to members of the industry; providing an effective date.

—was read the second time by title.

SENATOR VILLALOBOS PRESIDING

Senator Dean moved the following amendment which was adopted:

Amendment 1 (584072) (with title amendment)—Between lines 220 and 221 insert:

Section 1. Section 15.0455, Florida Statutes, is created to read:

15.0455 Official state agricultural museum.—

(1) The Florida Agricultural Museum in Flagler County is designated as the official state agricultural museum.

(2) This section is repealed July 1, 2020, unless reviewed and reenacted by the Legislature before that date.

And the title is amended as follows:

Delete line 3 and insert: Consumer Services; creating s. 15.0455, F.S.; designating the Florida Agricultural Museum in Flagler County as the official state agricultural museum; providing for future repeal; amending s. 369.20, F.S.; requiring

Senator Dean moved the following amendment:

Amendment 2 (237206) (with title amendment)—Between lines 330 and 331 insert:

Section 5. Section 403.9337, Florida Statutes, is amended to read:

403.9337 Model Ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes.—

(1) *The department may amend its Model Ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes (2009). However, any amendment of the model ordinance after July 1, 2010, must be adopted by order of the department. Before adopting an amendment to the model ordinance, the department must hold at least one public workshop to discuss and receive comments on the proposed amendment. The department, at a minimum, must notify interested stakeholders of the public workshop, including representatives of the nursery and landscape industry, the pest control industry, the Department of Agriculture and Consumer Services, the University of Florida's Institute of Food and Agricultural Sciences, environmental groups, and county and local gov-*

ernments. Such an order amending the model ordinance is subject to challenge under chapter 120.

(2)~~(1)~~ All county and municipal governments are encouraged to adopt and enforce the Model Ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes or an equivalent requirement as a mechanism for protecting local surface and groundwater quality.

(3)~~(2)~~ Each county and municipal government located within the watershed of a water body or water segment that is listed as impaired by nutrients pursuant to s. 403.067, *must* ~~shall, at a minimum,~~ adopt the *most recent version of the* department's Model Ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes.

(4) A local government may adopt additional or more stringent standards than the model ordinance if*, before adoption, one of* the following criteria are met:

(a) The local government has *implemented* ~~demonstrated, as part of~~ a comprehensive program to address nonpoint sources of nutrient pollution *but* ~~which is science-based, and economically and technically feasible, that~~ additional or more stringent standards than the model ordinance are necessary in order to adequately address ~~urban fertilizer contributions to~~ nonpoint source nutrient loading to a water body. *In any such instance, the comprehensive program must be scientifically based and economically and technically feasible. The comprehensive program may include, but is not limited to:*

1. Nonpoint source activities adopted as part of a basin management plan developed pursuant to s. 403.067(7);

2. Adoption of Florida-friendly landscaping requirements, as provided in s. 373.185, into the local government's development code; and

3. The requirement for and enforcement of the implementation of low-impact development practices; or

(b) The local government *documents in the public record the need for more stringent standards, including the scientifically documented impairment of waters within the local government's jurisdiction by nutrient enrichment due to landforms, soils, hydrology, climate, or geology.*

(5) If the local government proposes more stringent standards, it must document ~~documents~~ that it has *requested and* considered all relevant scientific information, including input from the department, *the institute,* the Department of Agriculture and Consumer Services, and the University of *Florida's* ~~Florida~~ Institute of Food and Agricultural Sciences, if provided, on the need for additional or more stringent provisions to address fertilizer use as a contributor to water quality degradation. All documentation must become part of the public record before adoption of the additional or more stringent criteria.

(6)~~(3)~~ Any county or municipal government that adopted its own fertilizer use ordinance before January 1, 2009, is exempt from this section. Ordinances adopted or amended on or after January 1, 2009, must substantively conform to the most recent version of the model fertilizer ordinance and are subject to subsections *(2)-(5)* ~~(1) and (2)~~, as applicable.

(7) A fertilizer ordinance adopted by a county or municipal government may not prohibit an individual certified pursuant to s. 482.1562 from applying fertilizer during any specified period of the calendar year. However, a county or municipal government may require a certified applicator to perform a soil test or leaf tissue analysis to demonstrate the need for nutrient application during any specified period of the calendar year when the use of fertilizer is restricted or prohibited by local ordinance. Notwithstanding subsection (6), a county or municipal government exempt from this section pursuant to subsection (6) remains exempt if it amends its fertilizer ordinance on or after January 1, 2009, to comply with this subsection.

(8)~~(4)~~ This section does not apply to the use of

fertilizer*:*

(a) On farm operations as defined in s. 823.14*;* ~~or~~

(b) On lands classified as agricultural lands pursuant to s. 193.461*; or*

(c) On any lands used for scientific research, including, but not limited to, research on the effects of fertilizer use on urban stormwater, water quality, agronomics, or horticulture.

And the title is amended as follows:

Delete line 24 and insert: Landscapes; amending s. 403.9337, F.S.; providing for amendment of the model ordinance by the Department of Environmental Protection; revising the criteria for a local government's adoption of additional or more stringent standards; providing exemptions; amending s. 487.163, F.S.; requiring the

Senator Sobel moved the following amendment to **Amendment 2** which was adopted:

Amendment 2A (744214) (with title amendment)—Delete lines 37-87 and insert:

(a) The local government has *verified impaired waters and is facing existing or possible requirements for achieving the total maximum daily load established under state or federal law;* ~~demonstrated, as part of a comprehensive program to address nonpoint sources of nutrient pollution which is science-based, and economically and technically feasible, that additional or more stringent standards than the model ordinance are necessary in order to adequately address urban fertilizer contributions to nonpoint source nutrient loading to a water body.~~

(b) The local government *has verified harm to human health or harm to the environment which warrants additional consumer fertilizer requirements; or*

(c) The local government will improve water quality or prevent future impacts of consumer fertilizers on the environment.

(5) If the local government proposes more stringent standards, it must document ~~documents~~ that it has *requested and* considered all relevant scientific information, including input from the department, *the institute,* the Department of Agriculture and Consumer Services, and the University of *Florida's* ~~Florida~~ Institute of Food and Agricultural Sciences, if provided, on the need for additional or more stringent provisions to address fertilizer use as a contributor to water quality degradation. All documentation must become part of the public record before adoption of the additional or more stringent criteria.

(6)~~(3)~~ Any county or municipal government that adopted its own fertilizer use ordinance before January 1, 2009, is exempt from this section. Ordinances adopted or amended on or after January 1, 2009, must substantively conform to the most recent version of the model fertilizer ordinance and are subject to subsections *(2)-(5)* ~~(1) and (2)~~, as applicable.

And the title is amended as follows:

Delete line 105 and insert: stringent standards; amending s.

The vote was:

Yeas—18

Altman	Gelber	Negron
Aronberg	Jones	Rich
Constantine	Joyner	Ring
Crist	Justice	Smith
Detert	Lawson	Sobel
Dockery	Lynn	Wilson

Nays—14

Baker	Gardiner	Storms
Bennett	Haridopolos	Thrasher
Dean	Peaden	Villalobos
Gaetz	Richter	Wise
Garcia	Siplin	

Vote after roll call:

Yea—Bullard

Senator Bennett moved the following amendment to **Amendment 2** which was adopted:

Amendment 2B (377044)—Delete line 75 and insert: subsections *(2)-(5) and (7)* ~~(1) and (2)~~, as applicable.

Senator Bennett moved the following amendment to **Amendment 2**:

Amendment 2C (183578)—Delete line 81 and insert: *leaf tissue analysis recommended by the University of Florida's Institute of Food and Agricultural Sciences to demonstrate the need for nutrient*

On motion by Senator Dean, further consideration of **CS for CS for CS for SB 382** with pending **Amendment 2 (237206)** as amended and **Amendment 2C (183578)** was deferred.

On motion by Senator Altman, by two-thirds vote **HB 7219** was withdrawn from the Committees on Finance and Tax; and General Government Appropriations.

On motion by Senator Altman—

HB 7219—A bill to be entitled An act relating to the corporate income tax; amending s. 220.03, F.S.; providing for the adoption of the 2010 version of the Internal Revenue Code; providing for retroactive operation; providing an effective date.

—a companion measure, was substituted for **CS for SB 1912** and read the second time by title.

Pursuant to Rule 4.19, **HB 7219** was placed on the calendar of Bills on Third Reading.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Alexander, by two-thirds vote **CS for SB 2030** was withdrawn from the Committee on General Government Appropriations; **CS for CS for SB 2008** was withdrawn from the Committee on Health and Human Services Appropriations; and **CS for SB 2540** was withdrawn from the Policy and Steering Committee on Ways and Means.

On motion by Senator Fasano, by two-thirds vote **CS for CS for SB 2008**, **CS for SB 2030**, and **CS for SB 2540** were placed on the Special Order Calendar to be considered this day. Further, the rules were waived and a deadline of 1:00 p.m. this day was set for filing amendments to these three bills.

SPECIAL ORDER CALENDAR, continued

On motion by Senator Garcia, by two-thirds vote **CS for CS for HB 351** was withdrawn from the Committees on Transportation; and General Government Appropriations.

On motion by Senator Garcia—

CS for CS for HB 351—A bill to be entitled An act relating to specialty license plates; amending ss. 320.08056 and 320.08058, F.S.; creating a Catch Me, Release Me license plate, a Florida Horse Park license plate, and a Florida Biodiversity Foundation license plate; establishing annual use fees for the plates; providing for the distribution of use fees received from the sale of such plates; revising the portion of use fees collected from the sale of the Florida Salutes Veterans license plate that shall be distributed to a direct-support organization; revising the time period during which such distribution shall be made; providing an effective date.

—a companion measure, was substituted for **CS for SB 736** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 351** was placed on the calendar of Bills on Third Reading.

On motion by Senator Storms—

SB 2318—A bill to be entitled An act relating to forfeiture of property; amending s. 895.02, F.S.; defining the term "prosecuting authority" for purposes of the Florida RICO Act; creating s. 895.025, F.S.; providing that the act be liberally construed to achieve the remedial purposes of curtailing racketeering activities and lessening the economic power of criminal organizations engaged in patterns of racketeering activities in this state; creating s. 895.041, F.S.; providing that in addition to any criminal penalties imposed on a person due to a pattern of racketeering activities, the person shall forfeit to the state any interest in property that he or she has acquired in violation of the racketeering laws, including property of an enterprise that the person has established, operated, or controlled, and property derived from proceeds that the person obtained, directly or indirectly, from racketeering activities or unlawful debt collection practices; providing that property subject to forfeiture vests in the state when the person commits the act that violates the racketeering laws; authorizing a court to issue a temporary injunction, require the execution of a satisfactory performance bond, or to take any other action to preserve the availability and quality of the property that is subject to forfeiture; providing that the state may apply for a temporary restraining order, without notice or opportunity for a hearing by the defendant, under certain circumstances; requiring the temporary restraining order to expire within a specified period, unless extended for good cause shown; requiring the court, upon the conviction of the defendant, to enter an order forfeiting the property to the state and authorizing the prosecuting authority to seize all forfeited property upon such terms and conditions as the court deems proper; requiring the prosecuting authority to dispose of the forfeited property by sale or any other commercially feasible means, making due provision for the rights of any innocent persons; authorizing the prosecuting authority to dispose of forfeited property by specified means; authorizing the Attorney General to adopt rules; prohibiting a party claiming an interest in property that is subject to forfeiture from intervening in a trial or appeal of a criminal case involving the forfeited property or commencing an action at law or equity against the state concerning the validity of his or her claimed interest in the forfeited property; providing an exception; requiring the state to publish notice of the forfeiture order and of its intent to dispose of the forfeited property; providing that the state may also, to the extent practicable, provide direct written notice to any person who is known to claim an interest in the forfeited property; providing that any person, other than the defendant, who asserts a claim to the forfeited property may petition the court for a hearing to adjudicate the validity of his or her claim to the forfeited property; providing that the hearing be conducted without a jury; permitting the petitioner to testify and present evidence and witnesses on his or her own behalf and cross-examine witnesses who appear at the hearing; requiring the petitioner to prove by a preponderance of the evidence that he or she has a legal claim or interest in the forfeited property superior to the state or any other person or that the petitioner is a bona fide purchaser; amending s. 896.101, F.S.; defining the term "proceeds" for purposes of the Florida Money Laundering Act; providing that a person who, without permission, notifies another person of certain specified forfeiture information is subject to a fine for each unauthorized disclosure; amending s. 560.125, F.S., relating to penalties for unlicensed activities; conforming provisions to changes made by the act; amending s. 665.50, F.S.; defining the term "proceeds" for purposes of the Florida Control of Money Laundering in Financial Institutions Act; conforming provisions to changes made by the act; amending s. 923.03, F.S.; providing that a judgment of forfeiture may not be entered in a criminal proceeding unless the indictment or the information provides notice that the defendant has an interest in property that is subject to forfeiture in accordance with the applicable statute; amending s. 921.0022, F.S., relating to the offense severity ranking chart of the Criminal Punishment Code; conforming provisions to changes made by the act; providing an effective date.

—was read the second time by title.

Senator Storms moved the following amendments which were adopted:

Amendment 1 (295004)—Between lines 207 and 208 insert:

(c) The prosecuting authority shall take title to property ordered forfeited subject to all mortgages, liens, and security interests perfected before the date of indictment of the defendant. Notwithstanding the foregoing, the prosecuting authority may petition the court to void any mortgage, lien, or security interest asserted by or on behalf of defendant or any affiliated or related person.

Amendment 2 (727396)—Between lines 352 and 353 insert:

(14) This section shall not be deemed to have altered the enforceability or priority of perfected, arms-length security interests in the forfeited property or of liens against the property created by judgment or by operation of law.

Senator Storms moved the following amendment:

Amendment 3 (858804) (with title amendment)—Delete lines 408-424 and insert:

Section 5. Subsections (19) and (26) of section 560.103, Florida Statutes, are amended, present subsections (28) through (30) of that section are redesignated as subsections (29) through (31), respectively, and a new subsection (28) is added to that section, to read:

560.103 Definitions.—As used in this chapter, the term:

(19) "Money transmitter" means a *person who* ~~corporation, limited liability company, limited liability partnership, or foreign entity qualified to do business in this state which~~ receives currency, monetary value, or payment instruments for the purpose of transmitting the same by any means, including transmission by wire, facsimile, electronic transfer, courier, the Internet, or through bill payment services or other businesses that facilitate such transfer within this country, or to or from this country.

(26) "Payment instrument seller" means a *person who* ~~corporation, limited liability company, limited liability partnership, or foreign entity qualified to do business in this state which~~ sells a payment instrument.

(28) "Proceeds" means any property derived from or obtained or retained, directly or indirectly, through some form of unlawful activity, including the gross receipts of such activity.

Section 6. Subsection (8) of section 560.123, Florida Statutes, is amended to read:

560.123 Florida Control of Money Laundering in Money Services Business Act.—

(8)(a) Except as provided in paragraph (b), a person who willfully violates *or causes another to violate* ~~any provision of~~ this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) A person who willfully violates *or cause another to violate* ~~any provision of~~ this section, if the violation involves:

1. Currency or payment instruments *valued at* ~~exceeding $300 but~~ less than $20,000 ~~in any 12-month period~~, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2. Currency or payment instruments *valued at* ~~totaling or exceeding~~ $20,000 *or more* but less than $100,000 ~~in any 12-month period~~, commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3. Currency or payment instruments *valued at* ~~totaling or exceeding~~ $100,000 *or more* ~~in any 12-month period~~, commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) In addition to the penalties authorized by s. 775.082, s. 775.083, or s. 775.084, a person who has been convicted of, or entered a plea of guilty or nolo contendere, regardless of adjudication, to having violated paragraph (b) may be sentenced to pay a fine of up to $250,000 or twice the value of the currency or payment instruments, whichever is greater, except that on a second or subsequent conviction for or plea of guilty or nolo contendere, regardless of adjudication, to a violation of paragraph (b), the fine may be up to $500,000 or quintuple the value of the currency or payment instruments, whichever is greater.

(d) A person who violates this section is also liable for a civil penalty of not more than the greater of the value of the currency or payment instruments involved or $25,000.

Section 7. Subsection (5) of section 560.125, Florida Statutes, is amended to read:

560.125 Unlicensed activity; penalties.—

(5) A person who violates *or causes another to violate* this section, if the violation involves:

(a) Currency or payment instruments *valued at* ~~exceeding $300 but~~ less than $20,000 ~~in any 12-month period~~, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) Currency or payment instruments *valued at* ~~totaling or exceeding~~ $20,000 but less than $100,000 ~~in any 12-month period~~, commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) Currency or payment instruments *valued at* ~~totaling or exceeding~~ $100,000 *or more* ~~in any 12-month period~~, commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 8. Subsection (3) is added to section 560.204, Florida Statutes, to read:

560.204 License required.—

(3) A natural person who is acting as a money transmitter or payment instrument issuer may not be licensed as a sole proprietorship. A natural person may not act as a money transmitter or payment instrument issuer, except as an employee, officer, or director of a corporation, limited liability company, limited liability partnership, or foreign entity qualified to do business in this state and licensed under this part. An natural person who violates this subsection engages in unlicensed activity pursuant to s. 560.125.

And the title is amended as follows:

Delete lines 2-75 and insert: An act relating to money laundering; amending s. 895.02, F.S.; defining the term "prosecuting authority" for purposes of the Florida RICO Act; creating s. 895.025, F.S.; providing that the act be liberally construed to achieve the remedial purposes of curtailing racketeering activities and lessening the economic power of criminal organizations engaged in patterns of racketeering activities in this state; creating s. 895.041, F.S.; providing that in addition to any criminal penalties imposed on a person due to a pattern of racketeering activities, the person shall forfeit to the state any interest in property that he or she has acquired in violation of the racketeering laws, including property of an enterprise that the person has established, operated, or controlled, and property derived from proceeds that the person obtained, directly or indirectly, from racketeering activities or unlawful debt collection practices; providing that property subject to forfeiture vests in the state when the person commits the act that violates the racketeering laws; authorizing a court to issue a temporary injunction, require the execution of a satisfactory performance bond, or to take any other action to preserve the availability and quality of the property that is subject to forfeiture; providing that the state may apply for a temporary restraining order, without notice or opportunity for a hearing by the defendant, under certain circumstances; requiring the temporary restraining order to expire within a specified period, unless extended for good cause shown; requiring the court, upon the conviction of the defendant, to enter an order forfeiting the property to the state and authorizing the prosecuting authority to seize all forfeited property upon such terms and conditions as the court deems proper; requiring the prosecuting authority to dispose of the forfeited property by sale or any other commercially feasible means, making due provision for the rights of any innocent persons; authorizing the prosecuting authority to dispose of forfeited property by specified means; authorizing the Attorney General to adopt rules; prohibiting a party claiming an interest in property that is subject to forfeiture from intervening in a trial or appeal of a criminal case involving the forfeited property or commencing an action at law or equity against the state concerning the validity of his or her claimed interest in the forfeited property; providing an exception; requiring the state to publish notice of the forfeiture order and of its intent to dispose of the forfeited property; providing that the state may also, to the extent practicable, provide direct written notice to any person who is known to claim an interest in the forfeited property; providing that any person, other than the defendant, who asserts a claim to the forfeited property may petition the court for a hearing to adjudicate the validity of his or her claim to the forfeited property; providing that the hearing be conducted without a jury; permitting the petitioner to testify and present evidence and witnesses on his or her own behalf and cross-examine

witnesses who appear at the hearing; requiring the petitioner to prove by a preponderance of the evidence that he or she has a legal claim or interest in the forfeited property superior to the state or any other person or that the petitioner is a bona fide purchaser; amending s. 896.101, F.S.; defining the term "proceeds" for purposes of the Florida Money Laundering Act; providing that a person who, without permission, notifies another person of certain specified forfeiture information is subject to a fine for each unauthorized disclosure; amending s. 560.103, F.S.; revising definitions relating to money services businesses; amending s. 560.123, F.S.; revising criminal penalties under the Florid Control of Money Laundering in Money Services Business Act; amending s. 560.125, F.S., relating to penalties for unlicensed activities; conforming provisions to changes made by the act; amending s. 560.204, F.S.; prohibiting a natural person from being licensed as a sole proprietorship or engaging in certain activities;

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

Amendment 3A (436488)—Delete line 75 and insert: ~~exceeding~~ $20,000 *or more* but less than $100,000 ~~in any 12 month period~~,

Amendment 3 as amended was adopted.

Senator Storms moved the following amendment which was adopted:

Amendment 4 (754280)—Delete line 514 and insert:

560.123(8)(b)1.	3rd	Failure to report currency or payment instruments ~~exceeding $300 but~~ less than $20,000 by a money services business.

Pursuant to Rule 4.19, **SB 2318** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Richter—

CS for CS for SB 2070—A bill to be entitled An act relating to public records; creating s. 559.5558, F.S.; providing a public-records exemption for information held by the Office of Financial Regulation pursuant to an investigation of consumer collection agencies; providing for future repeal and legislative review of the exemption under the Open Government Sunset Review Act; providing a statement of public necessity; providing a contingent effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 2070** was placed on the calendar of Bills on Third Reading.

On motion by Senator Baker—

CS for SB 198—A bill to be entitled An act relating to retirement; amending s. 121.0515, F.S.; authorizing certain employees to purchase the retirement credit for past service at a 3 percent Special Risk Class accrual value; providing requirements for calculating the first 2 percent of a member's average monthly compensation for purposes of purchasing past service credit; providing requirements for purchasing past service credit in excess of 2 percent but not to exceed 3 percent of the member's average monthly compensation; providing requirements for calculating the contribution amount; requiring the employer to pay the costs for performing the calculation; requiring the contribution for past service credit to be paid immediately upon notification by the Division of Retirement; providing that past service credit may be purchased by the member or by the employer on behalf of the member; providing a declaration of important state interest; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 198** was placed on the calendar of Bills on Third Reading.

On motion by Senator Wise—

CS for CS for CS for SB 296—A bill to be entitled An act relating to state attorneys; amending s. 27.366, F.S.; deleting a provision that requires each state attorney to report why a case-qualified defendant did not receive the mandatory minimum prison sentence in cases involving the possession or use of a weapon; amending s. 775.082, F.S.; deleting a provision that requires each state attorney to report why a case-qualified defendant did not receive the mandatory minimum prison sentence in cases involving certain specified offenses; repealing s. 775.08401, F.S., relating to criteria to be used when state attorneys decide to pursue habitual felony offenders or habitual violent felony offenders; repealing s. 775.087(5), F.S., relating to a provision that requires each state attorney to report why a case-qualified defendant did not receive the mandatory minimum prison sentence in cases involving certain specified offenses; amending s. 938.27, F.S.; deleting provisions regarding the burden of establishing financial resources of the defendant; repealing s. 985.557(4), F.S., relating to direct-file policies and guidelines for juveniles; amending s. 775.0843, F.S.; conforming a cross-reference; providing an effective date.

—was read the second time by title.

Senator Wise moved the following amendments which were adopted:

Amendment 1 (325114) (with title amendment)—Delete lines 45-49 and insert: For every case in which the offender meets the criteria in this act and does not receive the mandatory minimum prison sentence, the state attorney must explain the sentencing deviation in writing and place such explanation in the case file maintained by the state attorney. ~~On a quarterly basis, each state attorney~~

And the title is amended as follows:

Delete lines 3-7 and insert: 27.366, F.S.; deleting a provision that requires each state attorney to submit on a quarterly basis deviation memoranda relating to offenders who are not sentenced to the mandatory minimum prison sentence in cases involving the possession or use of a weapon; amending s. 775.082, F.S.; deleting a

Amendment 2 (271322) (with title amendment)—Delete lines 70-82 and insert:

(d)1. It is the intent of the Legislature that offenders previously released from prison who meet the criteria in paragraph (a) be punished to the fullest extent of the law and as provided in this subsection, unless the state attorney determines that extenuating circumstances exist which preclude the just prosecution of the offender, including whether the victim recommends that the offender not be sentenced as provided in this subsection.

2. For every case in which the offender meets the criteria in paragraph (a) and does not receive the mandatory minimum prison sentence, the state attorney must explain the sentencing deviation in writing and place such explanation in the case file maintained by the state attorney. ~~On an annual basis, each state~~

And the title is amended as follows:

Delete lines 7-11 and insert: weapon; amending s. 775.082, F.S.; deleting a provision that requires each state attorney to submit on a quarterly basis a deviation memoranda relating to why a defendant did not receive the mandatory minimum prison sentence in cases involving certain specified offenses; repealing s. 775.08401,

Pursuant to Rule 4.19, **CS for CS for CS for SB 296** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

CS for SB 2592—A bill to be entitled An act relating to petroleum contamination site cleanup; amending s. 215.32, F.S.; providing that unappropriated cash in the Inland Protection Trust Fund is not subject to certain transfers by the Legislature; amending s. 376.3071, F.S.; revising provisions relating to petroleum contamination site selection and cleanup criteria; deleting obsolete provisions relating to funding for limited interim soil-source removals; requiring the Department of Environmental Protection to utilize natural attenuation monitoring stra-

tegies to transition sites into long-term natural attenuation monitoring under specified conditions; providing for natural attenuation and active remediation of sites; requiring the department to evaluate certain costs and strategies; prohibiting a local government from denying any development permit based solely on the presence of petroleum contamination for any construction, repairs, or renovations performed in conjunction with tank upgrade activity in an existing retail fuel facility; requiring that such facility be fully operational before the request for the building permit; requiring that the construction, repairs, or renovations be performed by a licensed contractor; requiring that the construction, repairs, or renovations performed in conjunction with such permit comply with the applicable provisions of chs. 489 and 553, F.S.; providing an exception; establishing a low-scored site initiative; providing conditions for participation; requiring the department to issue certain determinations and orders; providing that certain sites are eligible for payment of preapproved costs; requiring assessment work to be completed within a certain timeframe; providing payment and funding limitations; deleting provisions relating to nonreimbursable voluntary cleanup; providing an effective date.

—was read the second time by title.

Senator Baker moved the following amendment:

Amendment 1 (505436) (with title amendment)—Delete lines 42-126 and insert:

Section 1. *The installation of fuel tank upgrades to secondary containment systems shall be completed by the deadlines specified in rule 62-761.510, Florida Administrative Code, Table UST. For fuel service station facilities that have orders issued by the Department of Environmental Protection before July 1, 2010, granting an extension to the deadline, the deadline shall be extended to September 30, 2011. Such facilities must be in compliance with all other state and federal regulations pertaining to petroleum storage systems.*

And the title is amended as follows:

Delete lines 3-6 and insert: cleanup; requiring the installation of fuel tank upgrades to secondary containment systems to be completed by specified deadlines; amending s. 376.3071, F.S.; revising

On motion by Senator Baker, further consideration of **CS for SB 2592** with pending **Amendment 1 (505436)** was deferred.

On motion by Senator Altman, by two-thirds vote **CS for HB 83** was withdrawn from the Committees on Transportation; and General Government Appropriations.

On motion by Senator Altman—

CS for HB 83—A bill to be entitled An act relating to specialty license plates; amending ss. 320.08056 and 320.08058, F.S.; creating an Endless Summer license plate; establishing an annual use fee for the plate; providing for the distribution of use fees received from the sale of such plates; providing an effective date.

—a companion measure, was substituted for **SB 170** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 83** was placed on the calendar of Bills on Third Reading.

On motion by Senator Altman, by two-thirds vote **HB 1193** was withdrawn from the Committees on Community Affairs; Criminal Justice; and Governmental Oversight and Accountability.

On motion by Senator Altman—

HB 1193—A bill to be entitled An act relating to retirement; providing a short title; providing legislative findings; providing a statement of important state interest; amending s. 121.021, F.S.; revising the definition of "special risk member" to include certain members suffering a qualifying injury; amending s. 121.0515, F.S.; providing eligibility requirements for membership in the Special Risk Class for certain members suffering a qualifying injury; providing medical certification requirements; providing a definition; prohibiting the grant or creation of additional rights; providing retroactive effect; providing an effective date.

—a companion measure, was substituted for **SB 1932** and read the second time by title.

Pursuant to Rule 4.19, **HB 1193** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 1284** was deferred.

On motion by Senator Altman, by two-thirds vote **CS for HB 7203** was withdrawn from the Committee on Finance and Tax.

On motion by Senator Altman—

CS for HB 7203—A bill to be entitled An act relating to community development districts; creating s. 212.0315, F.S.; authorizing certain community development districts to levy a tax on certain transactions; requiring approval by the district board of supervisors and district landowners; providing a procedure to enact the tax; providing for an effective date of the tax; providing for expiration of the tax under certain circumstances; providing definitions; specifying uses of tax proceeds; requiring prior approval by the district board for expenditures of tax proceeds; specifying tax charging and collection requirements; providing for exempting certain transactions; requiring local administration of the tax; requiring adoption of a resolution; specifying requirements for local administration; specifying that the tax constitutes a lien for certain purposes; providing an effective date.

—a companion measure, was substituted for **CS for SB 1866** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 7203** was placed on the calendar of Bills on Third Reading.

CS for SB 1284—A bill to be entitled An act relating to sexual offenders and predators; creating s. 856.022, F.S.; enhancing the penalty for loitering or prowling by certain offenders within a specified distance of certain places where children congregate; prohibiting certain actions toward a child at a public park or playground by certain offenders; prohibiting the presence of certain offenders at or on real property comprising a child care facility or pre-K through 12 school without notice and supervision; providing exceptions; providing penalties; amending s. 775.21, F.S.; revising and providing definitions; revising provisions relating to residence reporting requirements for sexual predators; transferring, renumbering, and amending s. 794.065, F.S.; preempting certain local ordinances relating to residency limitations for sexual predators and offenders and providing for repeal of such ordinances; providing for limited exceptions for distance provisions in ordinances meeting specified requirements; providing that the act does not apply to a person living in an approved residence before the establishment of a school, child care facility, park, or playground within 1,000 feet of the residence; including offenses in other jurisdictions which are similar to the offenses listed in provisions providing residency restrictions for persons convicted of certain sex offenses, applicable to offenses committed on or after a specified date; providing that the act does not apply to persons who were removed from the requirement to register as a sexual offender or sexual predator under a specified provision; amending s. 943.0435, F.S.; revising provisions relating to residence reporting requirements for sexual offenders; amending s. 943.04352, F.S.; requiring that the probation services provider search in an additional specified sex offender registry for information regarding sexual predators and sexual offenders when an offender is placed on misdemeanor probation; amending s. 944.606, F.S.; revising address reporting requirements for sexual offenders; amending s. 944.607, F.S.; requiring additional registration information from sex offenders who are under the supervision of the Department of Corrections but who are not incarcerated; amending s. 947.1405, F.S.; revising provisions relating to polygraph examinations of specified conditional releasees who have committed specified sexual offenses; providing additional restrictions for certain conditional releasees who have committed specified sexual offenses against minors under the age of 18 or have similar convictions in another jurisdiction; amending s. 948.001, F.S.; revising and providing definitions; amending s. 948.30, F.S.; revising provisions relating to polygraph examinations of specified pro-

bationers or community controllees who have committed specified sexual offenses; providing additional restrictions for certain probationers or community controllees who committed specified sexual offenses against minors under the age of 18 or who have similar convictions in another jurisdiction; amending s. 948.31, F.S.; deleting a requirement for diagnosis of certain sexual predators and sexual offenders on community control; requiring evaluation by a qualified practitioner; revising provisions relating to treatment for such offenders and predators; amending s. 985.481, F.S.; providing additional address reporting requirements for sexual offenders adjudicated delinquent; amending s. 985.4815, F.S.; revising provisions relating to address and residence reporting requirements for sexual offenders adjudicated delinquent; providing legislative intent; providing for severability; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for SB 1284** to **CS for CS for HB 119**.

Pending further consideration of **CS for SB 1284** as amended, on motion by Senator Crist, by two-thirds vote **CS for CS for HB 119** was withdrawn from the Committees on Criminal Justice; Community Affairs; and Judiciary.

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

CS for CS for HB 119—A bill to be entitled An act relating to sexual offenders and predators; creating s. 856.022, F.S.; prohibiting loitering or prowling by certain offenders within a specified distance of places where children were congregating; prohibiting certain actions toward a child at a public park or playground by certain offenders; prohibiting the presence of certain offenders at or on real property comprising a child care facility or prekindergarten through grade 12 school without notice and supervision; providing exceptions; providing penalties; amending s. 775.21, F.S.; revising and providing definitions; conforming terminology to changes made by the act; revising provisions relating to residence reporting requirements for sexual predators; transferring, renumbering, and amending s. 794.065, F.S.; providing definitions; substituting the term "child care facility" for the term "day care center"; providing that the section does not apply to a person living in an approved residence before the establishment of a school, child care facility, park, or playground within 1,000 feet of the residence; including offenses in other jurisdictions that are similar to the offenses listed for purposes of providing residency restrictions for persons convicted of certain sex offenses, applicable to offenses committed on or after a specified date; providing that the section does not apply to persons who were removed from the requirement to register as a sexual offender or sexual predator under a specified provision; amending s. 943.0435, F.S.; revising provisions relating to residence reporting requirements for sexual offenders; amending s. 943.04352, F.S.; requiring that the probation services provider search in an additional specified sex offender registry for information regarding sexual predators and sexual offenders when an offender is placed on misdemeanor probation; amending s. 943.04354, F.S.; allowing the removal of the requirement to register as a sexual offender or sexual predator for a violation involving sexual performance by a child in special circumstances; amending s. 944.606, F.S.; revising address reporting requirements for sexual offenders; amending s. 944.607, F.S.; requiring additional registration information from sex offenders who are under the supervision of the Department of Corrections but who are not incarcerated; amending s. 947.005, F.S.; providing additional definitions; amending s. 947.1405, F.S.; conforming terminology to changes made by the act; providing that a releasee living in an approved residence before the establishment of a school, child care facility, park, or playground within 1,000 feet of the residence may not be forced to relocate and does not violate his or her conditional release supervision; revising provisions relating to polygraph examinations of specified conditional releasees who have committed specified sexual offenses; providing additional restrictions for certain conditional releasees who have committed specified sexual offenses against minors or have similar convictions in another jurisdiction; amending s. 948.001, F.S.; revising and providing definitions; amending s. 948.30, F.S.; conforming terminology to changes made by the act; providing that a probationer or community controllee living in an approved residence before the establishment of a school, child care facility, park, or playground within 1,000 feet of the residence may not be forced to relocate and does not violate his or her probation or community control; revising provisions relating to polygraph examinations of specified probationers or community controllees who have committed specified sexual offenses; providing additional restrictions for certain probationers or community controllees who committed specified sexual offenses against minors or who have similar convictions in another jurisdiction; amending s. 948.31, F.S.; deleting a requirement for diagnosis of certain sexual predators and sexual offenders on community control; revising provisions relating to treatment for such offenders and predators; amending s. 985.481, F.S.; providing additional address reporting requirements for sexual offenders adjudicated delinquent; amending s. 985.4815, F.S.; revising provisions relating to address and residence reporting requirements for sexual offenders adjudicated delinquent; providing legislative intent; providing severability; providing a directive to the Division of Statutory Revision; providing an effective date.

—a companion measure, was substituted for **CS for SB 1284** as amended and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 119** was placed on the calendar of Bills on Third Reading.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Fasano, by two-thirds vote **CS for SB 2540** was withdrawn from the Committee on Rules.

SPECIAL ORDER CALENDAR, continued

CS for CS for SB 648—A bill to be entitled An act relating to building safety; amending s. 196.031, F.S.; specifying an additional condition that constitutes an abandonment of homestead property for purposes of a homestead exemption; amending s. 399.02, F.S.; authorizing the Division of Hotels and Restaurants of the Department of Business and Professional Regulation to have access to places in which a conveyance and equipment are located; authorizing the division to grant variances from certain rules for undue hardship; prohibiting the enforcement of Phase II Firefighters' Service on certain elevators for a specified period; amending s. 399.15, F.S.; providing an alternative method to allow access to regional emergency elevators; providing for a uniform lock box; providing for a master key; providing the Division of State Fire Marshal with enforcement authority; directing the Department of Financial Services to select the provider of the uniform lock box; creating s. 455.2122, F.S.; authorizing distance learning courses as an alternative to classroom instruction for certain licenses; prohibiting the department or regulatory board from requiring centralized licensing examinations for certain licenses; amending s. 455.2123, F.S.; authorizing distance learning courses as an alternative to classroom instruction for certain licenses; prohibiting the department or a regulatory board from requiring centralized licensing examinations for certain licenses; amending s. 468.631, F.S.; revising the amount of a surcharge on certain building permits; requiring the unit of government collecting the surcharge to remit the funds to the Department of Business and Professional Regulation; requiring the unit of government collecting the surcharge to retain a portion of the funds to fund certain activities of building departments; requiring that the remaining funds from the surcharge be used to fund the Florida Homeowners' Construction Recovery Fund and the Florida Building Code Administrators and Inspectors Board; reducing the amount of information that must be reported to the Department of Business and Professional Regulation by a unit of government responsible for collecting certain permit fees; amending s. 468.83, F.S.; providing for the creation of the home inspection services licensing program within the Department of Business and Professional Regulation; amending s. 468.8311, F.S.; revising the term "home inspection services"; amending s. 468.8312, F.S.; deleting a fee provision for certain certificates of authorization; amending s. 468.8313, F.S.; revising examination requirements for licensure as a home inspector; providing fingerprinting requirements and procedures for license applications; providing that the applicant is responsible for certain costs; amending s. 468.8318, F.S.; revising requirements and procedures for certification of corporations and partnerships offering home inspection services to the public; deleting provisions relating to required certificates of authorization; amending s. 468.8319, F.S.; delaying the enforcement of a prohibition against performing certain activities by a person who is not licensed as a home inspector; revising certain prohibitions with respect to providers of home inspection services; amending s. 468.832, F.S.; providing an additional ground for taking certain disciplinary actions; amending s. 468.8324, F.S.; specify-

ing additional requirements for licensure as a home inspector; creating s. 468.8325, F.S.; requiring the department to adopt rules to administer part XV of ch. 468, F.S., relating to home inspectors; amending s. 468.84, F.S.; providing for the creation of the mold-related services licensing program within the Department of Business and Professional Regulation; amending s. 468.8412, F.S.; deleting a fee provision for certain biennial certificates of authorization renewal; amending s. 468.8413, F.S.; revising examination requirements and procedures for licensure as a mold assessor or mold remediator; providing fingerprinting requirements and procedures for license applications; providing that the applicant is responsible for certain costs; amending s. 468.8414, F.S.; specifying an additional applicant qualification criterion for licensure by endorsement; amending s. 468.8418, F.S.; revising requirements and procedures for certification of corporations and partnerships offering mold assessment or mold remediation services to the public; deleting provisions relating to required certificates of authorization; amending s. 468.8419, F.S.; delaying the enforcement of a prohibition against performing certain activities by a person who is not licensed as a mold assessor; amending s. 468.842, F.S.; providing an additional ground for taking certain disciplinary actions; amending s. 468.8421, F.S.; specifying an insurance coverage requirement for mold assessors; amending s. 468.8423, F.S.; specifying additional requirements for licensure as a mold assessor or mold remediator; creating s. 468.8424, F.S.; requiring the Department of Business and Professional Regulation to adopt rules to administer part XVI of ch. 468, F.S., relating to mold-related services; amending s. 489.103, F.S.; conforming a cross-reference; amending s. 489.5335, F.S.; deleting certain core curriculum requirements that a person holding a journeyman license in the electrical trade must satisfy in order to work in more than one county or municipality; amending s. 553.37, F.S.; authorizing manufacturers to pay inspection fees directly to the provider of inspection services; providing requirements for rules of the Department of Business and Professional Regulation regarding the schedule of fees; authorizing the department to enter into contracts for the performance of certain administrative duties; revising inspection requirements for certain custom manufactured buildings; amending s. 553.375, F.S.; revising the requirement for recertification of manufactured buildings prior to relocation; amending s. 553.512, F.S.; requiring the Florida Building Commission to establish by rule a fee for certain waiver requests; amending s. 553.721, F.S.; revising the amount of a surcharge on certain building permits; requiring the unit of government collecting the surcharge to electronically remit the funds to the Department of Community Affairs; requiring the unit of government collecting the surcharge to retain a portion of the funds to fund certain activities of building departments; requiring the remaining funds from the surcharge to be used to fund the Florida Building Commission and the Department of Community Affairs; amending s. 553.73, F.S.; conforming cross-references; authorizing counties and municipalities to adopt by ordinance administrative or technical amendments to the Florida Building Code for certain flood-related purposes; specifying requirements and procedures; revising foundation code adoption requirements; authorizing the Florida Building Commission to approve amendments relating to equivalency of standards; exempting certain mausoleums from the requirements of the Florida Building Code; exempting certain temporary housing provided by the Department of Corrections from the requirements of the Florida Building Code; restricting the code, code enforcement agencies, and local governments from imposing requirements on certain mechanical equipment on roofs; requiring that the Florida Building Code contain certain requirements regarding illumination in classroom units; requiring that classroom units be designed to provide and maintain an average of 40 foot-candles of light at each desktop; requiring that public educational facilities consider using light-emitting diode lighting before considering other lighting sources; amending s. 553.74, F.S.; specifying absence of impermissible conflicts of interest for certain committee or workgroup members while representing clients under certain circumstances; specifying certain prohibited activities for such members; amending s. 553.76, F.S.; authorizing the Florida Building Commission to adopt rules related to consensus-based decisionmaking; amending s. 553.775, F.S.; conforming a cross-reference; authorizing the commission to charge a fee for filing certain requests and for nonbinding interpretations; limiting fees for nonbinding interpretations; amending s. 553.79, F.S.; requiring certain inspection services to be performed under the alternative process for plan review and inspection or by a local governmental entity; reenacting s. 553.80(1), F.S., relating to the enforcement of the Florida Building Code, to incorporate the amendments made to s. 553.79, F.S., in a reference thereto; amending s. 553.80, F.S.; specifying nonapplicability of certain exemptions from the Florida Building Code granted by certain enforcement entities under certain circumstances; revising requirements for review of facility plans and construction surveyed for certain hospitals and health care facilities; amending s. 553.841, F.S.; deleting provisions requiring that the Department of Community Affairs maintain, update, develop, or cause to be developed a core curriculum for persons who enforce the Florida Building Code; amending s. 553.842, F.S.; authorizing rules requiring the payment of product evaluation fees directly to the administrator of the product evaluation and approval system; specifying the use of such fees; authorizing the Florida Building Commission to provide by rule for editorial revisions to certain approvals and charge certain fees; providing requirements for the approval of applications for state approval of a product; providing for certain approved products to be immediately added to the list of state-approved products; requiring that the commission's oversight committee review approved products; revising the list of approved evaluation entities; deleting obsolete provisions governing evaluation entities; amending s. 553.844, F.S.; providing an exemption from the requirements regarding protections for certain exposed mechanical equipment or appliances; providing for future expiration; amending s. 553.885, F.S.; revising requirements for carbon monoxide alarms; providing an exception for buildings undergoing alterations or repairs; defining the term "addition" as it relates to the requirement of a carbon monoxide alarm; amending s. 553.9061, F.S.; revising the energy-efficiency performance options and elements identified by the commission for purposes of meeting certain goals; amending s. 553.909, F.S.; revising a compliance criterion for certain swimming pool pumps or water heaters; revising requirements for residential swimming pool pumps and pump motors; amending s. 553.912, F.S.; providing requirements for replacement air-conditioning systems; amending s. 627.711, F.S.; revising provisions relating to a uniform mitigation verification inspection form for factoring discounts for wind insurance; providing that such form is valid if signed by a home inspector who has completed a specified number of hours of mitigation training; amending s. 633.021, F.S.; providing additional definitions for fire equipment dealers; revising the definition of the term "preengineered systems"; amending s. 633.0215, F.S.; providing guidelines for the State Fire Marshal to apply when issuing an expedited declaratory statement; requiring that the State Fire Marshal issue an expedited declaratory statement under certain circumstances; providing requirements for a petition requesting an expedited declaratory statement; exempting certain condominiums from installing manual fire alarm systems; amending s. 633.0245, F.S.; conforming cross-references; amending s. 633.025, F.S.; providing that property owners are not required to install fire sprinklers in residential properties based on the use of that property as a rental property or any change in or reclassification of the property's primary use to a rental property; amending s. 633.026, F.S.; providing legislative intent; revising the authority of the State Fire Marshal to contract with and refer interpretive issues to certain entities; providing for the establishment of the Fire Code Interpretation Committee; providing for the membership of the committee and requirements for membership; requiring that nonbinding interpretations of the Florida Fire Prevention Code be issued within a specified period after a request is received; providing for the waiver of such requirement under certain conditions; requiring that the Division of State Fire Marshal charge a fee for nonbinding interpretations; providing that fees may be paid directly to a contract provider; providing requirements for requesting a nonbinding interpretation; requiring that the Division of State Fire Marshal develop a form for submitting a petition for a nonbinding interpretation; providing for a formal interpretation by the State Fire Marshal; requiring that an interpretation of the Florida Fire Prevention Code be published on the division's website and in the Florida Administrative Weekly; amending s. 626.061, F.S.; authorizing certain fire equipment dealer licensees to maintain inactive license status under certain circumstances; providing requirements; providing for a renewal fee; revising certain continuing education requirements; revising an applicant licensure qualification requirement; amending s. 633.081, F.S.; requiring that the State Fire Marshal inspect a building when the State Fire Marshal, rather than the Department of Financial Services, has cause to believe a violation has occurred; providing exceptions for requirements that certain firesafety inspections be conducted by firesafety inspectors; requiring that the Division of State Fire Marshal and the Florida Building Code Administrators and Inspectors Board enter into a reciprocity agreement for purposes of recertifying building code inspectors, plan inspectors, building code administrators, and firesafety inspectors; requiring that the State Fire Marshal develop by rule an advanced training and certification program for firesafety inspectors who have fire code management responsibilities; requiring that the program be consistent with certain standards and establish minimum training, educa-

tion, and experience levels for such firesafety inspectors; amending s. 633.082, F.S.; authorizing alternative inspection procedures for certain fire hydrants; requiring periodic testing or operation of certain equipment; prohibiting an agency having jurisdiction from requiring the removal of a nonmandatory sprinkler system; amending s. 633.352, F.S.; providing an exception to requirements for recertification as a firefighter; amending s. 633.521, F.S.; revising requirements for certification as a fire protection system contractor; revising the prerequisites for taking the certification examination; authorizing the State Fire Marshal to accept more than one source of professional certification; revising legislative intent; amending s. 633.524, F.S.; authorizing the State Fire Marshal to enter into contracts for examination services; providing for the direct payment of examination fees to contract providers; amending s. 633.537, F.S.; revising the continuing education requirements for certain permitholders; amending s. 633.72, F.S.; revising the terms of service for members of the Fire Code Advisory Council; repealing s. 718.113(6), F.S., relating to requirements for 5-year inspections of certain condominium improvements; directing the Florida Building Commission to conform provisions of the Florida Building Code with revisions made by the act relating to the operation of elevators; requiring the Department of Management Services to consider the energy efficiency of buildings owned or operated by a state agency; requiring the Department of Management Services to lease buildings and facilities having high-efficiency lighting and consider energy efficiency when leasing buildings when feasible; requiring the Department of Management Services to adopt rules requiring state agencies to install high-efficiency lamps when replacing an existing lamp or installing a new lamp in a building owned by a state agency; providing effective dates.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for CS for SB 648** to **CS for CS for CS for CS for HB 663**.

Pending further consideration of **CS for CS for SB 648** as amended, on motion by Senator Bennett, by two-thirds vote **CS for CS for CS for CS for HB 663** was withdrawn from the Committees on Regulated Industries; Banking and Insurance; Community Affairs; and Military Affairs and Domestic Security.

On motion by Senator Bennett—

CS for CS for CS for CS for HB 663—A bill to be entitled An act relating to building safety; amending s. 196.031, F.S.; specifying an additional condition that constitutes an abandonment of homestead property for homestead exemption purposes; amending s. 399.02, F.S.; authorizing the Division of Hotels and Restaurants of the Department of Business and Professional Regulation to have access to places in which a conveyance and equipment are located; authorizing the division to grant variances from certain rules for undue hardship; prohibiting the enforcement of Phase II Firefighters' Service on certain elevators for a specified period; amending s. 399.15, F.S.; providing an alternative method to allow access to regional emergency elevators; providing for a uniform lock box; providing for a master key; providing the Division of State Fire Marshal with enforcement authority; creating s. 455.2122, F.S.; authorizing distance learning courses as an alternative to classroom instruction for certain licenses; prohibiting the department or regulatory board from requiring centralized licensing examinations for certain licenses; creating s. 455.2123, F.S.; authorizing distance learning courses as an alternative to classroom instruction for certain licenses; prohibiting the department or a regulatory board from requiring centralized licensing examinations for certain licenses; amending s. 468.631, F.S.; revising the amount of a surcharge and imposing the surcharge on certain building permits; requiring the unit of government collecting the surcharge to remit the funds to the Department of Business and Professional Regulation; requiring the unit of government collecting the surcharge to retain a portion of the funds to fund certain activities of building departments; requiring that the remaining funds from the surcharge be used to fund the Florida Homeowners' Construction Recovery Fund and the Florida Building Code Administrators and Inspectors Board; amending s. 468.83, F.S.; providing for the creation of the home inspection services licensing program within the Department of Business and Professional Regulation; amending s. 468.8311, F.S.; revising the term "home inspection services"; amending s. 468.8312, F.S.; deleting a fee provision for certain certificates of authorization; amending s. 468.8313, F.S.; revising examination requirements for licensure as a home inspector; providing fingerprinting requirements and procedures for license applications; providing that the applicant is responsible for certain costs; amending s. 468.8318, F.S.; revising requirements and procedures for certification of corporations and partnerships offering home inspection services to the public; deleting provisions relating to required certificates of authorization; amending s. 468.8319, F.S.; delaying the enforcement of a prohibition against performing certain activities by a person who is not licensed as a home inspector; revising certain prohibitions with respect to providers of home inspection services; amending s. 468.832, F.S.; providing an additional ground for taking certain disciplinary actions; amending s. 468.8324, F.S.; specifying additional requirements for licensure as a home inspector; creating s. 468.8325, F.S.; requiring the department to adopt rules to administer part XV of ch. 468, F.S., relating to home inspectors; amending s. 468.84, F.S.; providing for the creation of the mold-related services licensing program within the Department of Business and Professional Regulation; amending s. 468.8412, F.S.; deleting a fee provision for certain biennial certificates of authorization renewal; amending s. 468.8413, F.S.; revising examination requirements and procedures for licensure as a mold assessor or mold remediator; providing fingerprinting requirements and procedures for license applications; providing that the applicant is responsible for certain costs; amending s. 468.8414, F.S.; specifying an additional applicant qualification criterion for licensure by endorsement; amending s. 468.8418, F.S.; revising requirements and procedures for certification of corporations and partnerships offering mold assessment or mold remediation services to the public; deleting provisions relating to required certificates of authorization; amending s. 468.8419, F.S.; delaying the enforcement of a prohibition against performing certain activities by a person who is not licensed as a mold assessor; amending s. 468.842, F.S.; providing an additional ground for taking certain disciplinary actions; amending s. 468.8421, F.S.; specifying an insurance coverage requirement for mold assessors; amending s. 468.8423, F.S.; specifying additional requirements for licensure as a mold assessor or mold remediator; creating s. 468.8424, F.S.; requiring the Department of Business and Professional Regulation to adopt rules to administer part XVI of ch. 468, F.S., relating to mold-related services; amending s. 489.103, F.S.; conforming a cross-reference; amending s. 489.5335, F.S.; revising education requirements for electrical trade journeyman eligibility to work in certain localities; amending s. 553.37, F.S.; authorizing manufacturers to pay inspection fees directly to the provider of inspection services; providing requirements for rules of the Department of Business and Professional Regulation regarding the schedule of fees; authorizing the department to enter into contracts for the performance of certain administrative duties; revising inspection requirements for certain custom manufactured buildings; amending s. 553.375, F.S.; revising the requirement for recertification of manufactured buildings prior to relocation; amending s. 553.512, F.S.; requiring the Florida Building Commission to establish by rule a fee for certain waiver requests; amending s. 553.721, F.S.; revising the amount of a surcharge and imposing the surcharge on certain building permits; requiring the unit of government collecting the surcharge to electronically remit the funds to the Department of Community Affairs; requiring the unit of government collecting the surcharge to retain a portion of the funds to fund certain activities of building departments; revising requirements for use of funds collected from the surcharge; deleting obsolete language; amending s. 553.73, F.S.; conforming cross-references; authorizing counties and municipalities to adopt by ordinance administrative or technical amendments to the Florida Building Code for certain flood-related purposes; specifying requirements and procedures; revising foundation code adoption requirements; authorizing the Florida Building Commission to approve amendments relating to equivalency of standards; exempting certain mausoleums from the requirements of the Florida Building Code; exempting certain temporary housing provided by the Department of Corrections from the requirements of the Florida Building Code; restricting the code, code enforcement agencies, and local governments from imposing requirements on certain mechanical equipment on roofs; providing Florida Building Code requirements for classroom lighting; prohibiting incorporation into the Florida Building Code of certain mandatory residential fire sprinkler provisions of the International Residential Code; providing an exception; amending s. 553.74, F.S.; specifying absence of impermissible conflicts of interest for certain committee or workgroup members while representing clients under certain circumstances; specifying certain prohibited activities for such members; amending s. 553.76, F.S.; authorizing the Florida Building Commission to adopt rules related to consensus-building decisionmaking; amending s. 553.775, F.S.; conforming a cross-reference; authorizing the commission to charge a fee for filing certain requests and for nonbinding interpretations; limiting fees for nonbinding interpretations;

amending s. 553.79, F.S.; requiring certain inspection services to be performed under the alternative plans review and inspection process or by a local governmental entity; reenacting s. 553.80(1), F.S., relating to the enforcement of the Florida Building Code, to incorporate the amendments made to s. 553.79, F.S., in a reference thereto; amending s. 553.80, F.S.; specifying nonapplicability of certain exemptions from the Florida Building Code granted by certain enforcement entities under certain circumstances; revising requirements for review of facility plans and construction surveyed for certain hospitals and health care facilities; amending s. 553.841, F.S.; deleting provisions requiring that the Department of Community Affairs maintain, update, develop, or cause to be developed a core curriculum for persons who enforce the Florida Building Code; amending s. 553.842, F.S.; authorizing rules requiring the payment of product evaluation fees directly to the administrator of the product evaluation and approval system; specifying the use of such fees; authorizing the Florida Building Commission to provide by rule for editorial revisions to certain approvals and charge certain fees; providing requirements for the approval of applications for state approval of a product; providing for certain approved products to be immediately added to the list of state-approved products; requiring that the commission's oversight committee review approved products; revising the list of approved evaluation entities; deleting obsolete provisions governing evaluation entities; amending s. 553.844, F.S.; providing an exemption from the requirements regarding roof and opening protections for certain exposed mechanical equipment or appliances; providing for future expiration; amending s. 553.885, F.S.; revising requirements for carbon monoxide alarms; providing an exception for buildings undergoing alterations or repairs; defining the term "addition" as it relates to the requirement of a carbon monoxide alarm; amending s. 553.9061, F.S.; revising the energy-efficiency performance options and elements identified by the commission for purposes of meeting certain goals; amending s. 553.909, F.S.; revising a compliance criterion for certain swimming pool pumps or water heaters; revising requirements for residential swimming pool pumps and pump motors; amending s. 553.912, F.S.; providing requirements for replacement air-conditioning systems; amending s. 627.711, F.S.; conforming provisions to changes made by the act in which core curriculum courses relating to the Florida Building Code are deleted; revising the list of persons qualified to sign certain mitigation verification forms for certain purposes; authorizing insurers to accept forms from certain other persons; providing requirements for persons authorized to sign mitigation forms; prohibiting misconduct in performing hurricane mitigation inspection or completing uniform mitigation forms causing certain harm; specifying what constitutes misconduct; authorizing certain licensing boards to commence disciplinary proceedings and impose administrative fines and sanctions; providing for liability of mitigation inspectors; requiring certain entities to file reports of evidence of fraud; providing for immunity from liability for reporting fraud; providing for investigative reports from the Division of Insurance Fraud; providing penalties; authorizing insurers to require independent verification of uniform mitigation verification forms; amending s. 633.021, F.S.; providing additional definitions for fire equipment dealers; revising the definition of the term "preengineered systems"; amending s. 633.0215, F.S.; providing guidelines for the State Fire Marshal to apply when issuing an expedited declaratory statement; requiring that the State Fire Marshal issue an expedited declaratory statement under certain circumstances; providing requirements for a petition requesting an expedited declaratory statement; exempting certain condominiums from installing manual fire alarm systems; amending s. 633.0245, F.S.; conforming cross-references; amending s. 633.025, F.S.; prohibiting requiring property owners to install fire sprinklers in certain residential property; amending s. 633.026, F.S.; providing legislative intent; revising authority of the State Fire Marshal to contract with and refer interpretive issues to certain entities; providing for the establishment of the Fire Code Interpretation Committee; providing for the membership of the committee and requirements for membership; requiring that nonbinding interpretations of the Florida Fire Prevention Code be issued within a specified period after a request is received; providing for the waiver of such requirement under certain conditions; requiring that the Division of State Fire Marshal charge a fee for nonbinding interpretations; providing that fees may be paid directly to a contract provider; providing requirements for requesting a nonbinding interpretation; requiring that the Division of State Fire Marshal develop a form for submitting a petition for a nonbinding interpretation; providing for a formal interpretation by the State Fire Marshal; requiring that an interpretation of the Florida Fire Prevention Code be published on the division's website and in the Florida Administrative Weekly; amending s. 633.061, F.S.; authorizing certain fire equipment dealer licensees to maintain inactive license status under certain circumstances; providing requirements; providing for a renewal fee; revising certain continuing education requirements; revising an applicant licensure qualification requirement; amending s. 633.081, F.S.; requiring that the State Fire Marshal inspect a building when the State Fire Marshal, rather than the Department of Financial Services, has cause to believe a violation has occurred; providing exceptions for requirements that certain firesafety inspections be conducted by firesafety inspectors; requiring that the Division of State Fire Marshal and the Florida Building Code Administrators and Inspectors Board enter into a reciprocity agreement for purposes of recertifying building code inspectors, plan inspectors, building code administrators, and firesafety inspectors; requiring that the State Fire Marshal develop by rule an advanced training and certification program for firesafety inspectors who have fire code management responsibilities; requiring that the program be consistent with certain standards and establish minimum training, education, and experience levels for such firesafety inspectors; amending s. 633.082, F.S.; authorizing alternative inspection procedures for certain fire hydrants; requiring periodic testing or operation of certain equipment; providing that nonmandated sprinkler systems may not be required to be removed; amending s. 633.352, F.S.; providing an exception to requirements for recertification as a firefighter; amending s. 633.521, F.S.; revising requirements for certification as a fire protection system contractor; revising the prerequisites for taking the certification examination; authorizing the State Fire Marshal to accept more than one source of professional certification; revising legislative intent; amending s. 633.524, F.S.; authorizing the State Fire Marshal to enter into contracts for examination services; providing for the direct payment of examination fees to contract providers; amending s. 633.537, F.S.; revising the continuing education requirements for certain permitholders; amending 633.72, F.S.; revising the terms of service for members of the Fire Code Advisory Council; repealing s. 718.113(6), F.S., relating to requirements for 5-year inspections of certain condominium improvements; directing the Florida Building Commission to conform provisions of the Florida Building Code with revisions made by the act relating to the operation of elevators; requiring the Department of Management Services to consider the energy efficiency of building materials used for certain purposes in state buildings or facilities; requiring the department to adopt rules relating to installing high-efficiency replacement lamps in buildings owned by a state agency; providing effective dates.

—a companion measure, was substituted for **CS for CS for SB 648** as amended and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for CS for CS for HB 663** was placed on the calendar of Bills on Third Reading.

CS for SB 1672—A bill to be entitled An act relating to political advertisements; providing a short title; amending s. 106.143, F.S.; providing an alternative statement that may be used to identify a candidate as the sponsor of a political advertisement under certain circumstances; providing circumstances under which certain campaign messages and political advertisements are not required to state or display specific information regarding the identity of the candidate, his or her party affiliation, and the office sought in the message or advertisement; authorizing a candidate or political committee to place a statement on a social networking website or account indicating that the site or account is an official site or account approved by the candidate or political committee; prohibiting an official designation without the prior approval by the candidate or political committee; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 1672** to **CS for CS for HB 869**.

Pending further consideration of **CS for SB 1672** as amended, on motion by Senator Crist, by two-thirds vote **CS for CS for HB 869** was withdrawn from the Committees on Ethics and Elections; and Judiciary.

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

CS for CS for HB 869—A bill to be entitled An act relating to campaign financing; providing a short title; amending s. 106.143, F.S.; providing an alternative statement that may be used to identify a candidate as the sponsor of a political advertisement under certain circumstances; providing circumstances under which certain campaign

messages and political advertisements are not required to state or display specific information regarding the identity of the candidate, his or her party affiliation, and the office sought in the message or advertisement; authorizing a candidate or political committee to place a statement on a social networking website or account indicating that the site or account is an official site or account approved by the candidate or political committee; prohibiting an official designation without the prior approval by the candidate or political committee; amending s. 106.011, F.S.; revising the definition of the term "political committee" to remove certain reporting requirements included in the exclusion of electioneering communications organizations from the definition; revising the definition of the term "filing officer" to expand applicability to electioneering communications organizations; revising the definition of the term "electioneering communication" to conform to certain federal requirements and to delineate what constitutes such a communication; revising the definition of the term "electioneering communications organization"; amending s. 106.03, F.S.; revising the registration requirements for electioneering communications organizations; revising the statement of organization requirements; revising rule adoption requirements relating to dissolution of political committees and electioneering communications organizations; amending s. 106.0703, F.S.; consolidating reporting requirements in ch. 106, F.S., applicable to electioneering communications organizations; providing penalties; conforming provisions; prohibiting the use of credit cards by electioneering communications organizations; amending s. 106.0705, F.S., relating to electronic filing of campaign treasurer's reports; conforming provisions; amending s. 106.071, F.S.; increasing the aggregate amount of expenditures required for filing certain reports related to independent expenditures or electioneering communications; amending s. 106.08, F.S.; removing certain limitations on contributions received by an electioneering communications organization; amending s. 106.1439, F.S.; providing identification requirements for certain electioneering communications; providing an exception for telephone calls; amending s. 106.147, F.S., relating to telephone solicitation disclosure requirements; removing requirements relating to electioneering communication, to conform; reenacting ss. 106.011(1)(b), (3), (4), (18), and (19), 106.022(1), 106.03(1)(b), 106.04(5), 106.0703, 106.0705(2)(b), 106.071(1), 106.08(7), 106.1437, 106.1439, and 106.17, F.S., relating to definitions, registered office and agent requirements, registration requirements, prohibited activities for committees of continuous existence, additional reporting requirements, electronic filing requirements, expenditure reports, penalties for violations pertaining to limitations on contributions, miscellaneous advertisements, electioneering communications disclaimers and penalties for failure to include disclaimers, and polls and surveys pertaining to candidacies, to cure and conform; providing an effective date.

—a companion measure, was substituted for **CS for SB 1672** as amended and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 869** was placed on the calendar of Bills on Third Reading.

CS for CS for SB 2246—A bill to be entitled An act relating to child support guidelines; amending s. 61.13, F.S.; requiring all child support orders after a certain date to contain certain provisions; creating s. 61.29, F.S.; providing principles for implementing the support guidelines schedule; amending s. 61.30, F.S.; creating a rebuttable presumption of census-level wages if information about earnings level is not provided; providing that the burden of proof is on the party seeking to impute income to the other party; prohibiting imputation of income for out-of-date records or unprecedented earnings; removing the first three combined monthly net income amounts on the guidelines schedule; providing for the calculation of the obligor parent's child support payment under certain circumstances; revising the deviation factors that a court may consider when adjusting a parent's share of the child support award; providing effective dates.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for CS for SB 2246** to **CS for HB 907**.

Pending further consideration of **CS for CS for SB 2246** as amended, on motion by Senator Storms, by two-thirds vote **CS for HB 907** was withdrawn from the Committees on Children, Families, and Elder Affairs; Judiciary; and Criminal and Civil Justice Appropriations.

On motion by Senator Storms—

CS for HB 907—A bill to be entitled An act relating to child support guidelines; amending s. 61.13, F.S.; requiring all child support orders after a certain date to contain certain provisions; creating s. 61.29, F.S.; providing principles for implementing the support guidelines schedule; amending s. 61.30, F.S.; creating a rebuttable presumption of census-level wages if information about earnings level is not provided; providing that the burden of proof is on the party seeking to impute income to the other party; prohibiting imputation of income for out-of-date records or unprecedented earnings; removing the first three combined monthly net income amounts on the guidelines schedule; providing for the calculation of the obligor parent's child support payment under certain circumstances; revising the deviation factors that a court may consider when adjusting a parent's share of the child support award; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 2246** as amended and read the second time by title.

MOTION

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

Senator Jones moved the following amendment which was adopted:

Amendment 1 (907040) (with title amendment)—Delete line 22 and insert:

Section 1. Section 61.08, Florida Statutes, is amended to read:

61.08 Alimony.—

(1) In a proceeding for dissolution of marriage, the court may grant alimony to either party, which alimony may be *bridge-the-gap,* rehabilitative*, durational,* or permanent in nature *or any combination of these forms of alimony*. In any award of alimony, the court may order periodic payments or payments in lump sum or both. The court may consider the adultery of either spouse and the circumstances thereof in determining the amount of alimony, if any, to be awarded. In all dissolution actions, the court shall include findings of fact relative to the factors enumerated in subsection (2) supporting an award or denial of alimony.

(2) In determining *whether to* ~~a proper~~ award ~~of~~ alimony or maintenance, the court shall *first make a specific factual determination as to whether either party has an actual need for alimony or maintenance and whether either party has the ability to pay alimony or maintenance. If the court finds that a party has a need for alimony or maintenance and that the other party has the ability to pay alimony or maintenance, then in determining the proper type and amount of alimony or maintenance, the court shall* consider all relevant ~~economic~~ factors, including, but not limited to:

(a) The standard of living established during the marriage.

(b) The duration of the marriage.

(c) The age and the physical and emotional condition of each party.

(d) The financial resources of each party, *including* the nonmarital and the marital assets and liabilities distributed to each.

(e) *The earning capacities, educational levels, vocational skills, and employability of the parties and,* when applicable, the time necessary for either party to acquire sufficient education or training to enable such party to find appropriate employment.

(f) The contribution of each party to the marriage, including, but not limited to, services rendered in homemaking, child care, education, and career building of the other party.

(g) The responsibilities each party will have with regard to any minor children they have in common.

(h) The tax treatment and consequences to both parties of any alimony award, including the designation of all or a portion of the payment as a nontaxable, nondeductible payment.

(i)~~(g)~~ All sources of income available to either party*, including income available to either party through investments of any asset held by that party*.

(j) ~~The court may consider~~ Any other factor necessary to do equity and justice between the parties.

(3) To the extent necessary to protect an award of alimony, the court may order any party who is ordered to pay alimony to purchase or maintain a life insurance policy or a bond, or to otherwise secure such alimony award with any other assets which may be suitable for that purpose.

(4) For purposes of determining alimony, there is a rebuttable presumption that a short-term marriage is a marriage having a duration of less than 7 years, a moderate-term marriage is a marriage having a duration of greater than 7 years but less than 17 years, and long-term marriage is a marriage having a duration of 17 years or greater. The length of a marriage is the period of time from the date of marriage until the date of filing of an action for dissolution of marriage.

(5) Bridge-the-gap alimony may be awarded to assist a party by providing support to allow the party to make a transition from being married to being single. Bridge-the-gap alimony is designed to assist a party with legitimate identifiable short-term needs, and the length of an award may not exceed 2 years. An award of bridge-the-gap alimony terminates upon the death of either party or upon the remarriage of the party receiving alimony. An award of bridge-the-gap alimony shall not be modifiable in amount or duration.

(6)(a) Rehabilitative alimony may be awarded to assist a party in establishing the capacity for self-support through either:

1. The redevelopment of previous skills or credentials; or

2. The acquisition of education, training, or work experience necessary to develop appropriate employment skills or credentials.

(b) In order to award rehabilitative alimony, there must be a specific and defined rehabilitative plan which shall be included as a part of any order awarding rehabilitative alimony.

(c) An award of rehabilitative alimony may be modified or terminated in accordance with s. 61.14 based upon a substantial change in circumstances, upon noncompliance with the rehabilitative plan, or upon completion of the rehabilitative plan.

(7) Durational alimony may be awarded when permanent periodic alimony is inappropriate. The purpose of durational alimony is to provide a party with economic assistance for a set period of time following a marriage of short or moderate duration. An award of durational alimony terminates upon the death of either party or upon the remarriage of the party receiving alimony. The amount of an award of durational alimony may be modified or terminated based upon a substantial change in circumstances in accordance with s. 61.14. However, the length of an award of durational alimony may not be modified except under exceptional circumstances and may not exceed the length of the marriage.

(8) Permanent alimony may be awarded to provide for the needs and necessities of life as they were established during the marriage of the parties for a party who lacks the financial ability to meet his or her needs and necessities of life following a dissolution of marriage. Permanent alimony may be awarded following a marriage of long duration, following a marriage of moderate duration if such an award is appropriate upon consideration of the factors set forth in subsection (2), or following a marriage of short duration if there are exceptional circumstances. An award of permanent alimony terminates upon the death of either party or upon the remarriage of the party receiving alimony. An award may be modified or terminated based upon a substantial change in circumstances or upon the existence of a supportive relationship in accordance with s. 61.14.

(9)~~(4)~~(a) With respect to any order requiring the payment of alimony entered on or after January 1, 1985, unless the provisions of paragraph (c) or paragraph (d) apply, the court shall direct in the order that the payments of alimony be made through the appropriate depository as provided in s. 61.181.

(b) With respect to any order requiring the payment of alimony entered before January 1, 1985, upon the subsequent appearance, on or after that date, of one or both parties before the court having jurisdiction for the purpose of modifying or enforcing the order or in any other proceeding related to the order, or upon the application of either party, unless the provisions of paragraph (c) or paragraph (d) apply, the court shall modify the terms of the order as necessary to direct that payments of alimony be made through the appropriate depository as provided in s. 61.181.

(c) If there is no minor child, alimony payments need not be directed through the depository.

(d)1. If there is a minor child of the parties and both parties so request, the court may order that alimony payments need not be directed through the depository. In this case, the order of support shall provide, or be deemed to provide, that either party may subsequently apply to the depository to require that payments be made through the depository. The court shall provide a copy of the order to the depository.

2. If the provisions of subparagraph 1. apply, either party may subsequently file with the depository an affidavit alleging default or arrearages in payment and stating that the party wishes to initiate participation in the depository program. The party shall provide copies of the affidavit to the court and the other party or parties. Fifteen days after receipt of the affidavit, the depository shall notify all parties that future payments shall be directed to the depository.

3. In IV-D cases, the IV-D agency shall have the same rights as the obligee in requesting that payments be made through the depository.

Section 2. *The amendments to s. 61.08, Florida Statutes, by this act apply to all initial awards of alimony entered after July 1, 2010, and modifications of such awards. Such amendments may not serve as a basis to modify awards entered before July 1, 2010, or as a basis to change amounts or duration of awards existing before July 1, 2010. The amendments to s. 61.08, Florida Statutes, by this act are applicable to all cases pending on or filed after July 1, 2010.*

Section 3. Effective October 1, 2010, paragraph (a) of

And the title is amended as follows:

Delete line 2 and insert: An act relating to child support and alimony; amending s. 61.08, F.S.; allowing for award of more than one type of alimony; revising factors to be considered in whether to award alimony or maintenance; providing rebuttable presumptions for the classification of the length of marriages; providing for the determination of the length of a marriage; providing for award of bridge-the-gap alimony for a limited period; providing that such an award is not modifiable; providing for award of rehabilitative alimony in certain circumstances; providing for modification or termination of such an award; providing for award of durational alimony in certain circumstances; providing for modification or termination of such an award; providing for award of permanent alimony in certain circumstances; providing for modification or termination of such an award; providing applicability; amending s.

Pursuant to Rule 4.19, **CS for HB 907** as amended was placed on the calendar of Bills on Third Reading.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Fasano, by two-thirds vote **CS for SB 1194** was withdrawn from the Committee on Criminal and Civil Justice Appropriations.

SPECIAL ORDER CALENDAR, continued

Consideration of **CS for CS for SB 2358** and **CS for SB 220** was deferred.

On motion by Senator Fasano, by two-thirds vote **CS for CS for HB 945** was withdrawn from the Committees on Health Regulation; Children, Families, and Elder Affairs; Judiciary; and Health and Human Services Appropriations.

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

CS for CS for HB 945—A bill to be entitled An act relating to automated external defibrillators in assisted living facilities; amending s. 429.255, F.S.; requiring certain assisted living facilities to possess a functioning automated external defibrillator; encouraging an assisted living facility to register the location of the automated external defibrillator with a local emergency medical services medical director; providing immunity from liability under the Good Samaritan Act and the Cardiac Arrest Survival Act; authorizing the Department of Elderly Affairs to adopt rules relating to the use of automated external defibrillators; providing appropriations; providing effective dates.

—a companion measure, was substituted for **CS for CS for SB 2008** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 945** was placed on the calendar of Bills on Third Reading.

On motion by Senator Fasano, by two-thirds vote **CS for HB 1253** was withdrawn from the Committees on Banking and Insurance; Judiciary; and General Government Appropriations.

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

CS for HB 1253—A bill to be entitled An act relating to continuing care facilities; amending s. 651.011, F.S.; revising definitions relating to ch. 651, F.S.; amending s. 651.012, F.S.; conforming cross-references; amending s. 651.022, F.S.; increasing the threshold amount for businesses that must be identified in an application for a provisional certificate of authority; adding wait-list contracts to the forms that must be submitted with the application; amending s. 651.0235, F.S.; conforming provisions to changes made by the act; amending s. 651.026, F.S.; revising the financial information that must be submitted annually for each certified facility; requiring the annual report to reflect any changes in accounting principle terminology; amending s. 651.033, F.S.; authorizing a provider to assess a separate, nonrefundable fee for processing an application for continuing care; amending s. 651.035, F.S.; clarifying that the amounts maintained in escrow relating to taxes refer to property taxes; deleting an obsolete provision; amending s. 651.055, F.S.; providing that a resident is deemed to be occupying a unit upon the payment of certain fees; providing a timeframe for rescinding a contract; increasing the application processing fee; conforming provisions to changes made by the act; amending s. 651.081, F.S.; renaming residents' organizations as residents' councils; requiring the provider to provide a newly elected chair of a council with a copy of ch. 651, F.S., and related rules; amending s. 651.083, F.S.; clarifying that a resident has a right to receive residents' council memos and announcements; prohibiting a provider from restricting a resident's access to the council; amending s. 651.085, F.S.; requiring the provider to provide the reasons for increasing the maintenance fee to the chair of the residents' council; allowing a designated representative to represent the provider at meetings; amending s. 651.091, F.S.; specifying that a management company or operator is an agent of the provider for the purposes of disclosing certain information to residents; expanding the list of items that must be provided to the chair of the residents' council; requiring the provider to provide a copy of s. 651.071, F.S., relating to receivership or liquidation, to all prospective residents; amending s. 651.105, F.S.; increasing the required time period for examinations for certain providers; requiring the office to determine if all disclosures have been made to the chair of the residents' council; amending ss. 651.114 and 651.1151, F.S.; conforming provisions to changes made by the act; amending s. 651.121, F.S.; conforming provisions to changes made by the act; requiring the chair of the Continuing Care Advisory Council to report the council's findings and recommendations to the Governor and the Commissioner of Insurance Regulation; requiring the office to provide certain information to the council; repealing s. 651.133, F.S., relating to provisional certificates under prior law; amending s. 628.4615, F.S.; conforming cross-references; providing an effective date.

—a companion measure, was substituted for **CS for SB 2030** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **CS for HB 1253** was placed on the calendar of Bills on Third Reading.

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

SB 838—A bill to be entitled An act relating to the University of South Florida; creating s. 1004.387, F.S.; authorizing a doctor of pharmacy degree program at the university; providing an effective date.

—which was previously considered April 28.

Senator Alexander moved the following amendment which was adopted:

Amendment 2 (447966) (with title amendment)—Delete line 13 and insert: *is authorized at the University of South Florida. The program shall be physically located on the new campus of the University of South Florida Polytechnic. The university is authorized to develop and implement the program within existing facilities only until the construction of a pharmacy facility on the new campus of the University of South Florida Polytechnic is completed, which shall house the doctor of pharmacy degree program.*

And the title is amended as follows:

Delete line 4 and insert: pharmacy degree program at the university; providing for the program to be physically located on the new campus of the University of South Florida Polytechnic; authorizing the university to develop and implement the program within existing facilities until a pharmacy facility is constructed on the new campus of the University of South Florida Polytechnic; providing

Pursuant to Rule 4.19, **SB 838** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

CS for CS for SB 2358—A bill to be entitled An act relating to foreclosures; amending s. 721.07, F.S.; providing lien disclosure requirements for filed public offering statements for certain timeshare plans; amending s. 721.13, F.S.; requiring officers, directors, and agents of a timeshare owners' association to act in good faith; providing for damages; providing exceptions; amending s. 721.16, F.S.; authorizing a managing entity to bring a judicial action or a trustee procedure to foreclose certain liens under specified conditions; revising when a lien is effective; providing a directive to the Division of Statutory Revision to rename part III of ch. 721, F.S., to conform to changes made by the act; amending s. 721.81, F.S.; revising and providing legislative purposes of part III; amending s. 721.82, F.S.; revising and providing definitions; amending s. 721.83, F.S., relating to consolidation of foreclosure actions; clarifying application to judicial foreclosure actions; amending s. 721.85, F.S., relating to service to notice address or on registered agent; conforming provisions to changes made by the act; creating s. 721.855, F.S.; establishing procedures for the trustee foreclosure of assessment liens; providing for the appointment of a trustee; providing recording requirements for such liens; providing procedures for the initiation of a trustee foreclosure procedure against a timeshare interest; providing procedures for an obligor's objection to the trustee foreclosure procedure; providing conditions to a trustee's exercise of power of sale; providing requirements for a notice of default and intent to sell; providing requirements for a notice of sale; providing requirements for the sale by auction of foreclosed encumbered timeshare interests; providing requirements for a trustee's certificate of compliance; providing for the effect of a trustee's sale; providing requirements for a trustee's deed; providing for the disposition of proceeds of the sale; providing that the trustee foreclosure procedure does not impair or otherwise affect the right to bring certain actions; providing for application; providing for actions for failure to follow the trustee foreclosure procedure; creating s. 721.856, F.S.; establishing procedures for the trustee foreclosure of mortgage liens; providing for the appointment of a trustee; providing recording requirements for such liens; providing procedures for the initiation of a trustee foreclosure procedure against a timeshare interest; providing procedures for an obligor's objection to the trustee foreclosure procedure; providing conditions to a trustee's exercise of power of sale; providing requirements for a notice of default and intent to sell; providing requirements for a notice of sale; providing requirements for the sale by auction of foreclosed encumbered timeshare interests; providing requirements for a trustee's certificate of compliance; providing for the effect of a trustee's sale; providing requirements for a trustee's deed; providing for the disposition of proceeds of the sale; providing that the trustee foreclosure procedure does not impair or otherwise affect the right to bring certain actions; providing for actions for failure to follow

the trustee foreclosure procedure; amending s. 721.86, F.S.; providing for priority of application in case of conflict; conforming terminology to changes made by the act; amending s. 721.20, F.S.; revising exemptions from certain licensing requirements; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for CS for SB 2358** to **CS for CS for HB 1411**.

Pending further consideration of **CS for CS for SB 2358** as amended, on motion by Senator Gardiner, by two-thirds vote **CS for CS for HB 1411** was withdrawn from the Committees on Regulated Industries; Judiciary; Banking and Insurance; and Criminal and Civil Justice Appropriations.

On motion by Senator Gardiner—

CS for CS for HB 1411—A bill to be entitled An act relating to foreclosures; amending s. 721.07, F.S.; providing lien disclosure requirements for filed public offering statements for certain timeshare plans; amending s. 721.13, F.S.; requiring officers, directors, and agents of a timeshare owners' association to act in good faith; providing for damages; providing exceptions; amending s. 721.16, F.S.; authorizing a managing entity to bring a judicial action or a trustee procedure to foreclose certain liens under specified conditions; revising when a lien is effective; renaming part III of chapter 721, F.S., to conform to changes made by this act; amending s. 721.81, F.S.; revising and providing legislative purposes of the part; amending s. 721.82 F.S.; revising and providing definitions; amending s. 721.83, F.S., relating to consolidation of foreclosure actions; clarifying application to judicial foreclosure actions; amending s. 721.85, F.S., relating to service to notice address or on registered agent; conforming provisions to changes made by this act; creating s. 721.855, F.S.; establishing procedure for the trustee foreclosure of assessment liens; providing for the appointment of a trustee; providing recording requirements for such liens; providing procedures for the initiation of a trustee foreclosure procedure against a timeshare interest; providing procedures for an obligor's objection to the trustee foreclosure procedure; providing conditions to a trustee's exercise of power of sale; providing requirements for a notice of default and intent to sell; providing requirements for a notice of sale; providing requirements for the sale by auction of foreclosed encumbered timeshare interests; providing requirements for a trustee's certificate of compliance; providing for the effect of a trustee's sale; providing requirements for a trustee's deed; providing for the disposition of proceeds of the sale; providing that the trustee foreclosure procedure does not impair or otherwise affect the right to bring certain actions; providing application; providing for actions for failure to follow the trustee foreclosure procedure; providing a criminal penalty; creating s. 721.856, F.S.; establishing procedure for the trustee foreclosure of mortgage liens; providing for the appointment of a trustee; providing recording requirements for such liens; providing procedures for the initiation of a trustee foreclosure procedure against a timeshare interest; providing procedures for an obligor's objection to the trustee foreclosure procedure; providing conditions to a trustee's exercise of power of sale; providing requirements for a notice of default and intent to sell; providing requirements for a notice of sale; providing requirements for the sale by auction of foreclosed encumbered timeshare interests; providing requirements for a trustee's certificate of compliance; providing for the effect of a trustee's sale; providing requirements for a trustee's deed; providing for the disposition of proceeds of the sale; providing that the trustee foreclosure procedure does not impair or otherwise affect the right to bring certain actions; providing for actions for failure to follow the trustee foreclosure procedure; providing a criminal penalty; amending s. 721.86, F.S.; providing for priority of application in case of conflict; conforming terminology to changes made by this act; amending s. 721.20, F.S.; revising exemptions from certain licensing requirements; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 2358** as amended and read the second time by title.

Senator Gardiner moved the following amendment which was adopted:

Amendment 1 (402484) (with title amendment)—Between lines 1306 and 1307 insert:

Section 13. *An administrative fee of $50 per trustee deed for each deed recorded pursuant to the trustee foreclosure procedures set forth in ss. 721.855 and 721.856, Florida Statutes, shall be paid and remitted at the same time and in the same manner as documentary stamp taxes imposed pursuant to s. 201.02, Florida Statutes. Revenues from such fees shall be remitted to the Department of Revenue in the same manner as documentary stamp taxes and deposited in the State Courts Revenue Trust Fund.*

And the title is amended as follows:

Delete line 64 and insert: requirements; imposing an administrative fee on certain recorded trustee deeds; providing that revenues from such fees be deposited into the State Courts Revenue Trust Fund; providing an effective date.

Pursuant to Rule 4.19, **CS for CS for HB 1411** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Fasano, by two-thirds vote **CS for HB 7205** was withdrawn from the Committees on Commerce; Community Affairs; Finance and Tax; and Rules.

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

CS for HB 7205—A bill to be entitled An act relating to professional sports franchises; amending ss. 14.2015, 212.20, and 218.64, F.S., relating to the Office of Tourism, Trade, and Economic Development, the distribution of certain tax proceeds, and the allocation of a portion of the local government half-cent sales tax; conforming provisions to changes made by the act; conforming cross-references; amending s. 288.1162, F.S.; deleting provisions relating to the certification and funding of facilities for spring training baseball franchises; authorizing the Auditor General to conduct audits to verify whether certain funds for professional sports franchises are used as required by law; requiring the Auditor General to notify the Department of Revenue if the funds are not used as required by law; creating s. 288.11621, F.S.; authorizing certain units of local government to apply for certification to receive state funding for a facility for a spring training franchise; providing definitions; providing eligibility requirements; providing criteria to competitively evaluate applications for certification; requiring a certified applicant to use the funds awarded for specified public purposes and place unexpended funds in a trust fund or separate account; authorizing a certified applicant to request a suspension of the distribution of funds for a specified period under certain circumstances; requiring the expenditure of funds by certain certified applicants within a specified period; requiring the completion of certain spring training facility projects within a specified period; requiring certified applicants to submit annual reports to the Office of Tourism, Trade, and Economic Development; requiring the office to decertify applicants under certain circumstances; providing for delay in decertification proceedings for local governments certified before a specified date under certain circumstances; providing for review of the office's notice of intent to decertify an applicant; requiring an applicant to repay unencumbered state funds and interest after decertification; specifying circumstances under which a certified applicant that is a local government may not be decertified under certain circumstances; requiring the office to develop a strategic plan relating to baseball spring training activities; requiring the office to adopt rules; authorizing the Auditor General to conduct audits to verify whether certified funds for baseball spring training facilities are used as required by law; requiring the Auditor General to notify the Department of Revenue if the funds are not used as required by law; amending s. 288.1229, F.S.; providing that the Office of Tourism, Trade, and Economic Development may authorize a direct-support organization to assist in the retention of professional sports franchises; recognizing the validity of specified agreements under certain circumstances; providing an effective date.

—a companion measure, was substituted for **CS for SB 2540** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **CS for HB 7205** was placed on the calendar of Bills on Third Reading.

MOTIONS

On motion by Senator Fasano, by two-thirds vote **CS for CS for SB 1182** and **CS for SB 1884** were placed on the Special Order Calendar to be considered this day.

SPECIAL ORDER CALENDAR, continued

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

CS for SB 2592—A bill to be entitled An act relating to petroleum contamination site cleanup; amending s. 215.32, F.S.; providing that unappropriated cash in the Inland Protection Trust Fund is not subject to certain transfers by the Legislature; amending s. 376.3071, F.S.; revising provisions relating to petroleum contamination site selection and cleanup criteria; deleting obsolete provisions relating to funding for limited interim soil-source removals; requiring the Department of Environmental Protection to utilize natural attenuation monitoring strategies to transition sites into long-term natural attenuation monitoring under specified conditions; providing for natural attenuation and active remediation of sites; requiring the department to evaluate certain costs and strategies; prohibiting a local government from denying any development permit based solely on the presence of petroleum contamination for any construction, repairs, or renovations performed in conjunction with tank upgrade activity in an existing retail fuel facility; requiring that such facility be fully operational before the request for the building permit; requiring that the construction, repairs, or renovations be performed by a licensed contractor; requiring that the construction, repairs, or renovations performed in conjunction with such permit comply with the applicable provisions of chs. 489 and 553, F.S.; providing an exception; establishing a low-scored site initiative; providing conditions for participation; requiring the department to issue certain determinations and orders; providing that certain sites are eligible for payment of preapproved costs; requiring assessment work to be completed within a certain timeframe; providing payment and funding limitations; deleting provisions relating to nonreimbursable voluntary cleanup; providing an effective date.

—which was previously considered this day. Pending **Amendment 1 (505436)** by Senator Baker was adopted.

Senator Justice moved the following amendment which failed:

Amendment 2 (619612) (with title amendment)—Between lines 126 and 127 insert:

Section 2. Section 376.30702, Florida Statutes, is amended to read:

376.30702 Contamination notification.—

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

(2) INITIAL NOTICE OF CONTAMINATION ~~BEYOND PROPERTY BOUNDARIES~~.—

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

(b) The notice *must* ~~shall~~ include the following information:

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

2.~~(b)~~ A listing of all record owners of *the* ~~any~~ real property~~, other than the property at which site rehabilitation was initiated pursuant to s. 376.3071(5), s. 376.3078(4), s. 376.81, or s. 376.30701,~~ at which contamination has been discovered; the parcel identification number for ~~any~~ such ~~real~~ property; the owner's address listed in the current county property tax office records; and the owner's telephone number. ~~The requirements of this paragraph do not apply to the notice to known tenants and lessees of the source property.~~

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

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

(3) DEPARTMENT'S NOTICE RESPONSIBILITIES.—

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

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

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

3. The school district superintendent representing the affected area.

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

5. All real property owners, presidents of any condominium associations, or sole owners of condominiums, lessees, and the tenants of record for:

a. The property at which site rehabilitation is being conducted, if different from the person responsible for site rehabilitation;

b. Any properties within a 500-foot radius of each sampling point at which contamination is discovered, if site rehabilitation was initiated pursuant to s. 376.30701 or an administrative or court order; and

c. Any properties within a 250-foot radius of each sampling point at which contamination is discovered or any properties identified on a contaminant plume map provided pursuant to subparagraph (2)(b)4. if site rehabilitation was initiated pursuant to s. 376.3071(5), s. 376.3078(4), or s. 376.81, or at, or in connection with, a permitted solid waste management facility subject to a groundwater monitoring plan.

(b) The notice provided to:

1. Local government officials shall be mailed by certified mail, return receipt requested, and must advise the local government of its responsibilities under subsection (4).

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

(c) Within 30 days after receiving the *initial* ~~actual~~ notice required *under* ~~pursuant to~~ subsection (2), ~~or within 30 days of the effective date of this act if the department already possesses information equivalent to that required by the notice,~~ the department shall *verify that the person responsible for site rehabilitation has complied with the notice requirements of this section* ~~send a copy of such notice, or an equivalent notification, to all record owners of any real property, other than the property at which site rehabilitation was initiated pursuant to s. 376.3071(5), s. 376.3078(4), s. 376.81, or s. 376.30701, at which contamination has been discovered~~. *If the person responsible for site rehabilitation has not complied with the notice requirements, the department may pursue enforcement as provided under this chapter and chapter 403.*

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

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

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

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

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

(4) LOCAL GOVERNMENT'S NOTICE RESPONSIBILITIES.—If contact information is available, within 30 days after receiving notice under subsection (3), the local government shall mail a copy of the notice to the president or equivalent officer of each homeowners' association or neighborhood association within the potentially affected area described in subsection (3).

(5) RECOVERY OF NOTIFICATION COSTS.—The department and the local government shall recover the costs of postage, materials, and labor associated with providing notification from the responsible party, unless site rehabilitation is eligible for state-funded cleanup pursuant to the risk-based corrective action provisions found in s. 376.3071(5) or s. 376.3078(4).

(6)~~(4)~~ RULEMAKING AUTHORITY.—The department shall adopt rules and forms ~~pursuant to ss. 120.536(1) and 120.54~~ to *administer* ~~implement~~ the requirements of this section.

And the title is amended as follows:

Delete line 6 and insert: Legislature; amending s. 376.30702, F.S.; revising contamination notification provisions; requiring individuals responsible for site rehabilitation to provide notice of site rehabilitation to specified entities; revising provisions relating to the content of such notice; requiring the Department of Environmental Protection to provide notice of site rehabilitation to specified entities and certain property owners; providing an exemption; requiring the department to verify compliance with notice requirements; authorizing the department to pursue enforcement measures for noncompliance with notice requirements; revising the department's contamination notification requirements for certain public schools; requiring the department to provide specified notice to private K-12 schools and child care facilities; requiring the department to provide specified notice to public schools within a specified area; providing notice requirements, including directives to extend such notice to certain other persons; requiring local governments to provide specified notice of site rehabilitation; authorizing the local government and the department to recover notification costs from responsible parties; amending s. 376.3071, F.S.; revising

Senator Baker moved the following amendment which was adopted:

Amendment 3 (304852)—Delete lines 215-219 and insert: *remediation may be resumed. For long-term natural attenuation monitoring, if the petroleum products' chemicals of concern increase or are not significantly reduced after 42 months of monitoring, or if the plume migrates beyond the property boundaries, active remediation shall be resumed as necessary. For sites undergoing active remediation, the department shall template the cost of natural attenuation*

Pursuant to Rule 4.19, **CS for SB 2592** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

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

CS for CS for CS for SB 2138—A bill to be entitled An act relating to health care; repealing s. 112.0455(10)(e), F.S., relating to a prohibition against applying the Drug-Free Workplace Act retroactively; repealing s. 383.325, F.S., relating to the requirement of a licensed facility under s. 383.305, F.S., to maintain inspection reports; repealing s. 395.1046, F.S., relating to the investigation of complaints regarding hospitals; repealing s. 395.3037, F.S.; deleting definitions relating to obsolete provisions governing primary and comprehensive stroke centers; amending s. 400.0239, F.S.; deleting an obsolete provision; repealing s. 400.147(10), F.S., relating to a requirement that a nursing home facility report any notice of a filing of a claim for a violation of a resident's rights or a claim of negligence; repealing s. 400.148, F.S., relating to the Medicaid "Up-or-Out" Quality of Care Contract Management Program; repealing s. 400.195, F.S., relating to reporting requirements for the Agency for Health Care Administration; amending s. 400.476, F.S.; providing requirements for an alternative administrator of a home health agency; revising the duties of the administrator; revising the requirements for a director of nursing for a specified number of home health agencies; prohibiting a home health agency from using an individual as a home health aide unless the person has completed training and an evaluation program; requiring a home health aide to meet certain standards in order to be competent in performing certain tasks; requiring a home health agency and staff to comply with accepted professional standards; providing certain requirements for a written contract between certain personnel and the agency; requiring a home health agency to provide certain services through its employees; authorizing a home health agency to provide additional services with another organization; providing responsibilities of a home health agency when it provides home health aide services through another organization; requiring the home health agency to coordinate personnel who provide home health services; requiring personnel to communicate with the home health agency; amending s. 400.487, F.S.; requiring a home health agency to provide a copy of the agreement between the agency and a patient which specifies

the home health services to be provided; providing the rights that are protected by the home health agency; requiring the home health agency to furnish nursing services by or under the supervision of a registered nurse; requiring the home health agency to provide therapy services through a qualified therapist or therapy assistant; providing the duties and qualifications of a therapist and therapy assistant; requiring supervision by a physical therapist or occupational therapist of a physical therapist assistant or occupational therapist assistant; providing duties of a physical therapist assistant or occupational therapist assistant; providing for speech therapy services to be provided by a qualified speech pathologist or audiologist; providing for a plan of care; providing that only the staff of a home health agency may administer drugs and treatments as ordered by certain health professionals; providing requirements for verbal orders; providing duties of a registered nurse, licensed practical nurse, home health aide, and certified nursing assistant who work for a home health agency; providing for supervisory visits of services provided by a home health agency; repealing s. 408.802(11), F.S., relating to the applicability of the Health Care Licensing Procedures Act to private review agents; repealing s. 409.912(15)(e), (f), and (g), F.S., relating to a requirement for the Agency for Health Care Administration to submit a report to the Legislature regarding the operations of the CARE program; amending s. 409.91255, F.S.; transferring administrative responsibility for the application procedure for federally qualified health centers from the Department of Health to the Agency for Health Care Administration; requiring the Florida Association of Community Health Centers, Inc., to provide support and assume administrative costs for the program; repealing s. 429.12(2), F.S., relating to the sale or transfer of ownership of an assisted living facility; repealing s. 429.23(5), F.S., relating to each assisted living facility's requirement to submit a report to the agency regarding liability claims filed against it; repealing s. 429.911(2)(a), F.S., relating to grounds for which the agency may take action against the owner of an adult day care center or its operator or employee; providing appropriations from the General Revenue Fund and the Medical Care Trust Fund to the Agency for Health Care Administration; providing for a recurring reduction in appropriations to the Department of Health; providing a contingency; providing an effective date.

—which was previously considered and amended this day.

Senator Wise moved the following amendment:

Amendment 8 (978698) (with title amendment)—Between lines 642 and 643 insert:

Section 14. Subsection (4) of section 413.615, Florida Statutes, is amended to read:

413.615 Florida Endowment for Vocational Rehabilitation.—

(4) REVENUE FOR THE ENDOWMENT FUND.—

(a) The endowment fund of the Florida Endowment for Vocational Rehabilitation is created as a long-term, stable, and growing source of revenue to be administered, in accordance with rules promulgated by the division, by the foundation as a direct-support organization of the division.

(b) The principal of the endowment fund shall derive from the deposits made pursuant to s. 318.21(2)(e), together with any legislative appropriations which may be made to the endowment, and such bequests, gifts, grants, and donations as may be solicited for such purpose by the foundation from public or private sources.

(c) *Two percent of the remainder of all civil penalties received by a county court pursuant to chapter 318 shall be remitted to the Department of Revenue on a monthly basis for deposit in the endowment fund. Sixty percent of the additional fine assessed under s. 318.18(3)(f) for a violation of s. 316.1303 must be remitted to the Department of Revenue on a monthly basis for deposit in the endowment fund and 40 percent must be distributed pursuant to s. 318.21(1) and (2).* ~~The State Board of Administration shall invest and reinvest moneys of the endowment fund in accordance with the provisions of ss. 215.44-215.53. Moneys in the endowment fund in excess of the endowment fund principal, or such lesser amount as may be requested in writing by the foundation, shall be annually transmitted to the foundation, based upon a fiscal year which shall run from July 1 through June 30, and shall be deposited in the foundation's operating account, for distribution as provided in subsection (10). The endowment fund principal shall be $1 million for the 2000-2001 fiscal year and shall be increased by 5 percent in each subsequent fiscal year.~~

(d) The board of directors of the foundation shall establish the operating account and shall deposit therein the moneys transmitted pursuant to paragraph (c). Moneys in the operating account shall be available to carry out the purposes of subsection (10).

And the title is amended as follows:

Delete line 82 and insert: assume administrative costs for the program; amending s. 413.615, F.S.; removing a provision that requires the State Board of Administration to invest and reinvest moneys in the endowment fund for the Florida Endowment for Vocational Rehabilitation; requiring that a specified percent of the remainder of all civil penalties received by a county court pursuant to ch. 318, F.S., be remitted to the Department of Revenue on a monthly basis for deposit in the endowment fund; requiring that a specified percent of the additional fine assessed for violating traffic regulations protecting mobility-impaired persons be remitted to the Department of Revenue on a monthly basis for deposit in the endowment fund; repealing

Senator Wise moved the following substitute amendment which was adopted:

Amendment 9 (411582) (with title amendment)—Between lines 642 and 643 insert:

Section 14. Subsection (4) of section 413.615, Florida Statutes, is amended to read:

413.615 Florida Endowment for Vocational Rehabilitation.—

(4) REVENUE FOR THE ENDOWMENT FUND.—

(a) The endowment fund of the Florida Endowment for Vocational Rehabilitation is created as a long-term, stable, and growing source of revenue to be administered, in accordance with rules promulgated by the division, by the foundation as a direct-support organization of the division.

(b) The principal of the endowment fund shall derive from the deposits made pursuant to s. 318.21(2)(e), together with any legislative appropriations which may be made to the endowment, and such bequests, gifts, grants, and donations as may be solicited for such purpose by the foundation from public or private sources.

(c) *All funds currently held for investment and reinvestment by the State Board of Administration for the endowment shall be submitted back to the endowment fund within a reasonable time. Additional revenues received pursuant to s. 318.21(2)(e), shall be transferred to the endowment fund.* ~~The State Board of Administration shall invest and reinvest moneys of the endowment fund in accordance with the provisions of ss. 215.44-215.53. Moneys in the endowment fund in excess of the endowment fund principal, or such lesser amount as may be requested in writing by the foundation, shall be annually transmitted to the foundation, based upon a fiscal year which shall run from July 1 through June 30, and shall be deposited in the foundation's operating account, for distribution as provided in subsection (10). The endowment fund principal shall be $1 million for the 2000-2001 fiscal year and shall be increased by 5 percent in each subsequent fiscal year.~~

(d) The board of directors of the foundation shall establish the operating account and shall deposit therein the moneys transmitted pursuant to paragraph (c). Moneys in the operating account shall be available to carry out the purposes of subsection (10).

And the title is amended as follows:

Delete line 82 and insert: assume administrative costs for the program; amending s. 413.615, F.S.; removing a provision that requires the State Board of Administration to invest and reinvest moneys in the endowment fund for the Florida Endowment for Vocational Rehabilitation; requiring that all funds held for investment and reinvestment by the State Board of Administration for the endowment be submitted back to the endowment fund; repealing

Senator Smith moved the following amendment which was adopted:

Amendment 10 (168538) (with title amendment)—Between lines 648 and 649 insert:

Section 17. Subsection (1) of section 465.0251, Florida Statutes, is reenacted to read:

465.0251 Generic drugs; removal from formulary under specified circumstances.—

(1) The Board of Pharmacy and the Board of Medicine shall remove any generic named drug product from the formulary established by s. 465.025(6), if every commercially marketed equivalent of that drug product is "A" rated as therapeutically equivalent to a reference listed drug or is a reference listed drug as referred to in "Approved Drug Products with Therapeutic Equivalence Evaluations" (Orange Book) published by the United States Food and Drug Administration.

And the title is amended as follows:

Delete line 91 and insert: employee; reenacting s. 465.0251(1), F.S., to require the Board of Pharmacy and the Board of Medicine to remove certain drugs from the negative formulary for generic and brand-name drugs based on current references published by the United States Food and Drug Administration; providing appropriations from the General

Senator Bennett moved the following amendment which was adopted:

Amendment 11 (262398) (with title amendment)—Between lines 648 and 649 insert:

Section 17. Paragraph (q) of subsection (2) of section 499.01, Florida Statutes, is amended to read:

499.01 Permits.—

(2) The following permits are established:

(q) *Device manufacturer permit.—*

1. A device manufacturer permit is required for any person that engages in the manufacture, repackaging, or assembly of medical devices for human use in this state, except that a permit is not required if*:*

a. The person is engaged only in manufacturing, repackaging, or assembling a medical device pursuant to a practitioner's order for a specific patient*; or*~~.~~

b. The person does not manufacture, repackage, or assemble medical devices or components for such devices, except for devices or components that are exempt from registration under s. 499.015(8).

2.~~1.~~ A manufacturer or repackager of medical devices in this state must comply with all appropriate state and federal good manufacturing practices and quality system rules.

3.~~2.~~ The department shall adopt rules related to storage, handling, and recordkeeping requirements for manufacturers of medical devices for human use.

And the title is amended as follows:

Delete line 91 and insert: employee; amending s. 499.01, F.S.; revising the list of exemptions from the requirement that certain persons engaged in the manufacture, repackaging, or assembly of medical devices hold a device manufacturer permit; providing appropriations from the General

Senator Peaden moved the following amendment which was adopted:

Amendment 12 (527754) (with title amendment)—Between lines 648 and 649 insert:

Section 17. *Subsections (4) and (9) of section 381.0403, Florida Statutes, are repealed.*

Section 18. Section 381.4018, Florida Statutes, is amended to read:

381.4018 Physician workforce assessment and development.—

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

(a) "Consortium" or "consortia" means a combination of statutory teaching hospitals, statutory rural hospitals, specialty children's hospitals, other hospitals, accredited medical schools, clinics operated by the Department of Health, clinics operated by the Department of Veterans' Affairs, area health education centers, community health centers, federally qualified health centers, prison clinics, local community clinics, or other programs. At least one member of the consortium shall be a sponsoring institution accredited or currently seeking accreditation by the Accreditation Council for Graduate Medical Education or the American Osteopathic Association.

(b) "Council" means the Physician Workforce Advisory Council.

(c) "Department" means the Department of Health.

(d) "Graduate medical education program" means a program accredited by the Accreditation Council for Graduate Medical Education or the American Osteopathic Association.

(e) "Primary care specialty" means emergency medicine, family practice, internal medicine, pediatrics, psychiatry, geriatrics, general surgery, obstetrics and gynecology, and combined pediatrics and internal medicine and other specialties as determined by the Physician Workforce Advisory Council or the Department of Health.

(2)~~(1)~~ LEGISLATIVE INTENT.—The Legislature recognizes that physician workforce planning is an essential component of ensuring that there is an adequate and appropriate supply of well-trained physicians to meet this state's future health care service needs as the general population and elderly population of the state increase. The Legislature finds that items to consider relative to assessing the physician workforce may include physician practice status; specialty mix; geographic distribution; demographic information, including, but not limited to, age, gender, race, and cultural considerations; and needs of current or projected medically underserved areas in the state. Long-term strategic planning is essential as the period from the time a medical student enters medical school to completion of graduate medical education may range from 7 to 10 years or longer. The Legislature recognizes that strategies to provide for a well-trained supply of physicians must include ensuring the availability and capacity of quality ~~graduate~~ medical schools *and graduate medical education programs* in this state, as well as using new or existing state and federal programs providing incentives for physicians to practice in needed specialties and in underserved areas in a manner that addresses projected needs for physician manpower.

(3)~~(2)~~ PURPOSE.—The department ~~of Health~~ shall serve as a coordinating and strategic planning body to actively assess the state's current and future physician workforce needs and work with multiple stakeholders to develop strategies and alternatives to address current and projected physician workforce needs.

(4)~~(3)~~ GENERAL FUNCTIONS.—The department shall maximize the use of existing programs under the jurisdiction of the department and other state agencies and coordinate governmental and nongovernmental stakeholders and resources in order to develop a state strategic plan and assess the implementation of such strategic plan. In developing the state strategic plan, the department shall:

(a) Monitor, evaluate, and report on the supply and distribution of physicians licensed under chapter 458 or chapter 459. The department shall maintain a database to serve as a statewide source of data concerning the physician workforce.

(b) Develop a model and quantify, on an ongoing basis, the adequacy of the state's current and future physician workforce as reliable data becomes available. Such model must take into account demographics, physician practice status, place of education and training, generational changes, population growth, economic indicators, and issues concerning the "pipeline" into medical education.

(c) Develop and recommend strategies to determine whether the number of qualified medical school applicants who might become competent, practicing physicians in this state will be sufficient to meet the capacity of the state's medical schools. If appropriate, the department shall, working with representatives of appropriate governmental and nongovernmental entities, develop strategies and recommendations and

identify best practice programs that introduce health care as a profession and strengthen skills needed for medical school admission for elementary, middle, and high school students, and improve premedical education at the precollege and college level in order to increase this state's potential pool of medical students.

(d) Develop strategies to ensure that the number of graduates from the state's public and private allopathic and osteopathic medical schools *is* ~~are~~ adequate to meet physician workforce needs, based on the analysis of the physician workforce data, so as to provide a high-quality medical education to students in a manner that recognizes the uniqueness of each new and existing medical school in this state.

(e) Pursue strategies and policies to create, expand, and maintain graduate medical education positions in the state based on the analysis of the physician workforce data. Such strategies and policies must take into account the effect of federal funding limitations on the expansion and creation of positions in graduate medical education. The department shall develop options to address such federal funding limitations. The department shall consider options to provide direct state funding for graduate medical education positions in a manner that addresses requirements and needs relative to accreditation of graduate medical education programs. The department shall consider funding residency positions as a means of addressing needed physician specialty areas, rural areas having a shortage of physicians, and areas of ongoing critical need, and as a means of addressing the state's physician workforce needs based on an ongoing analysis of physician workforce data.

(f) Develop strategies to maximize federal and state programs that provide for the use of incentives to attract physicians to this state or retain physicians within the state. Such strategies should explore and maximize federal-state partnerships that provide incentives for physicians to practice in federally designated shortage areas. Strategies shall also consider the use of state programs, such as the Florida Health Service Corps established pursuant to s. 381.0302 and the Medical Education Reimbursement and Loan Repayment Program pursuant to s. 1009.65, which provide for education loan repayment or loan forgiveness and provide monetary incentives for physicians to relocate to underserved areas of the state.

(g) Coordinate and enhance activities relative to physician workforce needs, undergraduate medical education, ~~and~~ graduate medical education*, and reentry of retired military and other physicians into the physician workforce* provided by the Division of Medical Quality Assurance, ~~the Community Hospital Education Program and the Graduate Medical Education Committee established pursuant to s. 381.0403,~~ area health education center networks established pursuant to s. 381.0402, and other offices and programs within the department ~~of Health~~ as designated by the State Surgeon General.

(h) Work in conjunction with and act as a coordinating body for governmental and nongovernmental stakeholders to address matters relating to the state's physician workforce assessment and development for the purpose of ensuring an adequate supply of well-trained physicians to meet the state's future needs. Such governmental stakeholders shall include, but need not be limited to, the State Surgeon General or his or her designee, the Commissioner of Education or his or her designee, the Secretary of Health Care Administration or his or her designee, and the Chancellor of the State University System or his or her designee ~~from the Board of Governors of the State University System~~, and, at the discretion of the department, other representatives of state and local agencies that are involved in assessing, educating, or training the state's current or future physicians. Other stakeholders shall include, but need not be limited to, organizations representing the state's public and private allopathic and osteopathic medical schools; organizations representing hospitals and other institutions providing health care, particularly those that *currently provide or* have an interest in providing accredited medical education and graduate medical education to medical students and medical residents; organizations representing allopathic and osteopathic practicing physicians; and, at the discretion of the department, representatives of other organizations or entities involved in assessing, educating, or training the state's current or future physicians.

(i) Serve as a liaison with other states and federal agencies and programs in order to enhance resources available to the state's physician workforce and medical education continuum.

(j) Act as a clearinghouse for collecting and disseminating information concerning the physician workforce and medical education continuum in this state.

(5) PHYSICIAN WORKFORCE ADVISORY COUNCIL.—There is created in the department the Physician Workforce Advisory Council, an advisory council as defined in s. 20.03. The council shall comply with the requirements of s. 20.052, except as otherwise provided in this section.

(a) The council shall consist of 19 members. Members appointed by the State Surgeon General shall include:

1. A designee from the department who is a physician licensed under chapter 458 or chapter 459 and recommended by the State Surgeon General.

2. An individual who is affiliated with the Science Students Together Reaching Instructional Diversity and Excellence program and recommended by the area health education center network.

3. Two individuals recommended by the Council of Florida Medical School Deans, one representing a college of allopathic medicine and one representing a college of osteopathic medicine.

4. One individual recommended by the Florida Hospital Association, representing a hospital that is licensed under chapter 395, has an accredited graduate medical education program, and is not a statutory teaching hospital.

5. One individual representing a statutory teaching hospital as defined in s. 408.07 and recommended by the Safety Net Hospital Alliance.

6. One individual representing a family practice teaching hospital as defined in s. 395.805 and recommended by the Council of Family Medicine and Community Teaching Hospitals.

7. Two individuals recommended by the Florida Medical Association, one representing a primary care specialty and one representing a nonprimary care specialty.

8. Two individuals recommended by the Florida Osteopathic Medical Association, one representing a primary care specialty and one representing a nonprimary care specialty.

9. Two individuals who are program directors of accredited graduate medical education programs, one representing a program that is accredited by the Accreditation Council for Graduate Medical Education and one representing a program that is accredited by the American Osteopathic Association.

10. An individual recommended by the Florida Association of Community Health Centers representing a federally qualified health center located in a rural area as defined in s. 381.0406(2)(a).

11. An individual recommended by the Florida Academy of Family Physicians.

12. An individual recommended by the Florida Alliance for Health Professions Diversity.

13. The Chancellor of the State University System or his or her designee.

14. A layperson member as determined by the State Surgeon General.

Appointments to the council shall be made by the State Surgeon General. Each entity authorized to make recommendations under this subsection shall make at least two recommendations to the State Surgeon General for each appointment to the council. The State Surgeon General shall name one appointee for each position from the recommendations made by each authorized entity.

(b) Each council member shall be appointed to a 4-year term. An individual may not serve more than two terms. Any council member may be removed from office for malfeasance; misfeasance; neglect of duty; incompetence; permanent inability to perform official duties; or pleading guilty or nolo contendere to, or being found guilty of, a felony. Any council member who meets the criteria for removal, or who is otherwise unwilling or unable to properly fulfill the duties of the office, shall be succeeded by

an individual chosen by the State Surgeon General to serve out the remainder of the council member's term. If the remainder of the replaced council member's term is less than 18 months, notwithstanding the provisions of this paragraph, the succeeding council member may be reappointed twice by the State Surgeon General.

(c) The chair of the council is the State Surgeon General, who shall designate a vice chair from the membership of the council to serve in the absence of the State Surgeon General. A vacancy shall be filled for the remainder of the unexpired term in the same manner as the original appointment.

(d) Council members are not entitled to receive compensation or reimbursement for per diem or travel expenses.

(e) The council shall meet at least twice a year in person or by teleconference.

(f) The council shall:

1. Advise the State Surgeon General and the department on matters concerning current and future physician workforce needs in this state;

2. Review survey materials and the compilation of survey information;

3. Annually review the number, location, cost, and reimbursement of graduate medical education programs and positions;

4. Provide recommendations to the department regarding the survey completed by physicians licensed under chapter 458 or chapter 459;

5. Assist the department in preparing the annual report to the Legislature pursuant to ss. 458.3192 and 459.0082;

6. Assist the department in preparing an initial strategic plan, conduct ongoing strategic planning in accordance with this section, and provide ongoing advice on implementing the recommendations;

7. Monitor and provide recommendations regarding the need for an increased number of primary care or other physician specialties to provide the necessary current and projected health and medical services for the state; and

8. Monitor and make recommendations regarding the status of the needs relating to graduate medical education in this state.

(6) PHYSICIAN WORKFORCE GRADUATE MEDICAL EDUCATION INNOVATION PILOT PROJECTS.—

(a) The Legislature finds that:

1. In order to ensure a physician workforce that is adequate to meet the needs of this state's residents and its health care system, policymakers must consider the education and training of future generations of well-trained health care providers.

2. Physicians are likely to practice in the state where they complete their graduate medical education.

3. It can directly affect the makeup of the physician workforce by selectively funding graduate medical education programs to provide needed specialists in geographic areas of the state which have a deficient number of such specialists.

4. Developing additional positions in graduate medical education programs is essential to the future of this state's health care system.

5. It was necessary in 2007 to pass legislation that provided for an assessment of the status of this state's current and future physician workforce. The department is collecting and analyzing information on an ongoing basis to assess this state's physician workforce needs, and such assessment may facilitate the determination of graduate medical education needs and strategies for the state.

(b) There is established under the department a program to foster innovative graduate medical education pilot projects that are designed to promote the expansion of graduate medical education programs or positions to prepare physicians to practice in needed specialties and underserved areas or settings and to provide demographic and cultural representation in a manner that addresses current and projected needs for this state's physician workforce. Funds appropriated annually by the Legislature for this purpose shall be distributed to participating hospitals, medical schools, other sponsors of graduate medical education programs, consortia engaged in developing new graduate medical education programs or positions in those programs, or pilot projects providing innovative graduate medical education in community-based clinical settings. Pilot projects shall be selected on a competitive grant basis, subject to available funds.

(c) Pilot projects shall be designed to meet one or more of this state's physician workforce needs, as determined pursuant to this section, including, but not limited to:

1. Increasing the number of residencies or fellowships in primary care or other needed specialties.

2. Enhancing the retention of primary care physicians or other needed specialties in this state.

3. Promoting practice in rural or medically underserved areas of the state.

4. Encouraging racial and ethnic diversity within the state's physician workforce.

5. Encouraging practice in community health care or other ambulatory care settings.

6. Encouraging practice in clinics operated by the department, including, but not limited to, county health departments, clinics operated by the Department of Veterans' Affairs, prison clinics, or similar settings of need.

7. Encouraging the increased production of geriatricians.

(d) Priority shall be given to a proposal for a pilot project that:

1. Demonstrates a collaboration of federal, state, and local entities that are public or private.

2. Obtains funding from multiple sources.

3. Focuses on enhancing graduate medical education in rural or underserved areas.

4. Focuses on enhancing graduate medical education in ambulatory or community-based settings other than a hospital environment.

5. Includes the use of technology, such as electronic medical records, distance consultation, and telemedicine, to ensure that residents are better prepared to care for patients in this state, regardless of the community in which the residents practice.

6. Is designed to meet multiple policy needs as enumerated in subsection (3).

7. Uses a consortium to provide for graduate medical education experiences.

(e) The department shall adopt by rule appropriate performance measures to use in order to consistently evaluate the effectiveness, safety, and quality of the programs, as well as the impact of each program on meeting this state's physician workforce needs.

(f) Participating pilot projects shall submit to the department an annual report on the project in a manner required by the department.

(g) Funding provided to a pilot project may be used only for the direct costs of providing graduate medical education. Accounting of such costs and expenditures shall be documented in the annual report.

(h) State funds shall be used to supplement funds from any local government, community, or private source. The state may provide up to 50 percent of the funds, and local governmental grants or community or private sources shall provide the remainder of the funds.

(7) RULEMAKING.—The department shall adopt rules as necessary to administer this section.

Section 19. Section 458.3192, Florida Statutes, is amended to read:

458.3192 Analysis of survey results; report.—

(1) Each year, the Department of Health shall analyze the results of the physician survey required by s. 458.3191 and determine by geographic area and specialty the number of physicians who:

(a) Perform deliveries of children in *this state* ~~Florida~~.

(b) Read mammograms and perform breast-imaging-guided procedures in *this state* ~~Florida~~.

(c) Perform emergency care on an on-call basis for a hospital emergency department.

(d) Plan to reduce or increase emergency on-call hours in a hospital emergency department.

(e) Plan to relocate ~~their allopathic or osteopathic practice~~ outside the state.

(f) Practice medicine in this state.

(g) Plan to reduce or modify the scope of their practice.

(2) The Department of Health must report its findings to the Governor, the President of *the* Senate, and the Speaker of the House of Representatives by November 1 each year. *The department shall also include in its report findings, recommendations, and strategic planning activities as provided in s. 381.4018. The department may also include other information requested by the Physician Workforce Advisory Council.*

Section 20. Section 459.0082, Florida Statutes, is amended to read:

459.0082 Analysis of survey results; report.—

(1) Each year, the Department of Health shall analyze the results of the physician survey required by s. 459.0081 and determine by geographic area and specialty the number of physicians who:

(a) Perform deliveries of children in *this state* ~~Florida~~.

(b) Read mammograms and perform breast-imaging-guided procedures in *this state* ~~Florida~~.

(c) Perform emergency care on an on-call basis for a hospital emergency department.

(d) Plan to reduce or increase emergency on-call hours in a hospital emergency department.

(e) Plan to relocate ~~their allopathic or osteopathic practice~~ outside the state.

(f) Practice medicine in this state.

(g) Plan to reduce or modify the scope of their practice.

(2) The Department of Health must report its findings to the Governor, the President of *the* Senate, and the Speaker of the House of Representatives by November 1 each year. *The department shall also include in its report findings, recommendations, and strategic planning activities as provided in s. 381.4018. The department may also include other information requested by the Physician Workforce Advisory Council.*

Section 21. Section 458.315, Florida Statutes, is amended to read:

458.315 Temporary certificate for practice in areas of critical need.—

(1) Any physician who*:*

(a) Is licensed to practice in any *jurisdiction in the United States and* ~~other state,~~ whose license is currently valid*; or*~~,~~

(b) Has served as a physician in the United States Armed Forces for at least 10 years and received an honorable discharge from the military; and who pays an application fee of $300 may be issued a temporary certificate *for* ~~to~~ practice in *areas of* ~~communities of Florida where there is a~~ critical need ~~for physicians~~.

(2) A certificate may be issued to a physician who*:*

(a) Practices in an area of critical need;

(b) Will be employed by *or practice in* a county health department, correctional facility, *Department of Veterans' Affairs clinic,* community health center funded by s. 329, s. 330, or s. 340 of the United States Public Health Services Act, or other *agency or institution that is approved by the State Surgeon General and provides health care to meet the needs of underserved populations in this state; or*

(c) Will practice for a limited time to address critical physician-specialty, demographic, or geographic needs for this state's physician workforce as determined by the State Surgeon General ~~entity that provides health care to indigents and that is approved by the State Health Officer~~.

(3) The Board of Medicine may issue this temporary certificate with the following restrictions:

(a)~~(1)~~ The *State Surgeon General* ~~board~~ shall determine the areas of critical need~~, and the physician so certified may practice in any of those areas for a time to be determined by the board~~. Such areas ~~shall~~ include, but *are* not ~~be~~ limited to, health professional shortage areas designated by the United States Department of Health and Human Services.

1.~~(a)~~ A recipient of a temporary certificate for practice in areas of critical need may use the *certificate* ~~license~~ to work for any approved *entity* ~~employer~~ in any area of critical need *or as authorized by the State Surgeon General* ~~approved by the board~~.

2.~~(b)~~ The recipient of a temporary certificate for practice in areas of critical need shall, within 30 days after accepting employment, notify the board of all approved institutions in which the licensee practices and of all approved institutions where practice privileges have been denied.

(b)~~(2)~~ The board may administer an abbreviated oral examination to determine the physician's competency, but *a* ~~no~~ written regular examination is *not required* ~~necessary~~. Within 60 days after receipt of an application for a temporary certificate, the board shall review the application and issue the temporary certificate*,* ~~or~~ notify the applicant of denial*, or notify the applicant that the board recommends additional assessment, training, education, or other requirements as a condition of certification. If the applicant has not actively practiced during the prior 3 years and the board determines that the applicant may lack clinical competency, possess diminished or inadequate skills, lack necessary medical knowledge, or exhibit patterns of deficits in clinical decision-making, the board may:*

1. Deny the application;

2. Issue a temporary certificate having reasonable restrictions that may include, but are not limited to, a requirement for the applicant to practice under the supervision of a physician approved by the board; or

3. Issue a temporary certificate upon receipt of documentation confirming that the applicant has met any reasonable conditions of the board which may include, but are not limited to, completing continuing education or undergoing an assessment of skills and training.

(c)~~(3)~~ Any certificate issued under this section *is* ~~shall be~~ valid only so long as the *State Surgeon General determines that the reason* ~~area~~ for which it *was* ~~is~~ issued remains *a* ~~an area of~~ critical need *to the state*. The Board of Medicine shall review *each temporary certificateholder not* ~~the service within said area not~~ less than annually to ascertain that the minimum requirements of the Medical Practice Act and *its adopted* ~~the~~ rules ~~and regulations promulgated thereunder~~ are being complied with. If it is determined that such minimum requirements are not being met, the board shall ~~forthwith~~ revoke such certificate *or shall impose restrictions or conditions, or both, as a condition of continued practice under the certificate*.

(d)~~(4)~~ The board *may* ~~shall~~ not issue a temporary certificate for practice in an area of critical need to any physician who is under investigation in *any jurisdiction in the United States* ~~another state~~ for an act *that* ~~which~~ would constitute a violation of this chapter until such

time as the investigation is complete, at which time the provisions of s. 458.331 ~~shall~~ apply.

(4)~~(5)~~ The application fee and all licensure fees, including neurological injury compensation assessments, shall be waived for those persons obtaining a temporary certificate to practice in areas of critical need for the purpose of providing volunteer, uncompensated care for low-income *residents* ~~Floridians~~. The applicant must submit an affidavit from the employing agency or institution stating that the physician will not receive any compensation for any service involving the practice of medicine.

Section 22. Section 459.0076, Florida Statutes, is created to read:

459.0076 Temporary certificate for practice in areas of critical need.—

(1) Any physician who:

(a) Is licensed to practice in any jurisdiction in the United States and whose license is currently valid; or

(b) Has served as a physician in the United States Armed Forces for at least 10 years and received an honorable discharge from the military;

and who pays an application fee of $300 may be issued a temporary certificate for practice in areas of critical need.

(2) A certificate may be issued to a physician who:

(a) Will practice in an area of critical need;

(b) Will be employed by or practice in a county health department, correctional facility, Department of Veterans' Affairs clinic, community health center funded by s. 329, s. 330, or s. 340 of the United States Public Health Services Act, or other agency or institution that is approved by the State Surgeon General and provides health care to meet the needs of underserved populations in this state; or

(c) Will practice for a limited time to address critical physician-specialty, demographic, or geographic needs for this state's physician workforce as determined by the State Surgeon General.

(3) The Board of Osteopathic Medicine may issue this temporary certificate with the following restrictions:

(a) The State Surgeon General shall determine the areas of critical need. Such areas include, but are not limited to, health professional shortage areas designated by the United States Department of Health and Human Services.

1. A recipient of a temporary certificate for practice in areas of critical need may use the certificate to work for any approved entity in any area of critical need or as authorized by the State Surgeon General.

2. The recipient of a temporary certificate for practice in areas of critical need shall, within 30 days after accepting employment, notify the board of all approved institutions in which the licensee practices and of all approved institutions where practice privileges have been denied.

(b) The board may administer an abbreviated oral examination to determine the physician's competency, but a written regular examination is not required. Within 60 days after receipt of an application for a temporary certificate, the board shall review the application and issue the temporary certificate, notify the applicant of denial, or notify the applicant that the board recommends additional assessment, training, education, or other requirements as a condition of certification. If the applicant has not actively practiced during the prior 3 years and the board determines that the applicant may lack clinical competency, possess diminished or inadequate skills, lack necessary medical knowledge, or exhibit patterns of deficits in clinical decisionmaking, the board may:

1. Deny the application;

2. Issue a temporary certificate having reasonable restrictions that may include, but are not limited to, a requirement for the applicant to practice under the supervision of a physician approved by the board; or

3. Issue a temporary certificate upon receipt of documentation confirming that the applicant has met any reasonable conditions of the board which may include, but are not limited to, completing continuing education or undergoing an assessment of skills and training.

(c) Any certificate issued under this section is valid only so long as the State Surgeon General determines that the reason for which it was issued remains a critical need to the state. The Board of Osteopathic Medicine shall review each temporary certificateholder not less than annually to ascertain that the minimum requirements of the Osteopathic Medical Practice Act and its adopted rules are being complied with. If it is determined that such minimum requirements are not being met, the board shall revoke such certificate or shall impose restrictions or conditions, or both, as a condition of continued practice under the certificate.

(d) The board may not issue a temporary certificate for practice in an area of critical need to any physician who is under investigation in any jurisdiction in the United States for an act that would constitute a violation of this chapter until such time as the investigation is complete, at which time the provisions of s. 459.015 apply.

(4) The application fee and all licensure fees, including neurological injury compensation assessments, shall be waived for those persons obtaining a temporary certificate to practice in areas of critical need for the purpose of providing volunteer, uncompensated care for low-income residents. The applicant must submit an affidavit from the employing agency or institution stating that the physician will not receive any compensation for any service involving the practice of medicine.

And the title is amended as follows:

Delete line 91 and insert: employee; repealing s. 381.0403(4) and (9), F.S., relating to the program for graduate medical education innovations and the graduate medical education committee and report; amending s. 381.4018, F.S.; providing definitions; requiring the Department of Health to coordinate and enhance activities regarding the reentry of retired military and other physicians into the physician workforce; revising the list of governmental stakeholders that the Department of Health is required to work with regarding the state strategic plan and in assessing the state's physician workforce; creating the Physician Workforce Advisory Council; providing membership of the council; providing for appointments to the council; providing terms of membership; providing for removal of a council member; providing for the chair and vice chair of the council; providing that council members are not entitled to receive compensation or reimbursement for per diem or travel expenses; providing the duties of the council; establishing the physician workforce graduate medical education innovation pilot projects under the department; providing the purposes of the pilot projects; providing for the appropriation of state funds for the pilot projects; requiring the pilot projects to meet certain policy needs of the physician workforce in this state; providing criteria for prioritizing proposals for pilot projects; requiring the department to adopt by rule appropriate performance measures; requiring participating pilot projects to submit an annual report to the department; requiring state funds to be used to supplement funds from other sources; requiring the department to adopt rules; amending ss. 458.3192 and 459.0082, F.S.; requiring the department to determine by geographic area and specialty the number of physicians and osteopathic physicians who plan to relocate outside the state, practice medicine in this state, and reduce or modify the scope of their practice; authorizing the department to report additional information in its findings to the Governor and the Legislature; amending s. 458.315, F.S.; revising the standards for the Board of Medicine to issue a temporary certificate to certain physicians to practice medicine in areas of critical need; authorizing the State Surgeon General to designate areas of critical need; creating s. 459.0076, F.S.; authorizing the Board of Osteopathic Medicine to issue temporary certificates to osteopathic physicians who meet certain requirements to practice osteopathic medicine in areas of critical need; providing restrictions for issuance of a temporary certificate; authorizing the State Surgeon General to designate areas of critical need; authorizing the Board of Osteopathic Medicine to waive the application fee and licensure fees for obtaining temporary certificates for certain purposes; providing appropriations from the General

Senator Sobel moved the following amendment which was adopted:

Amendment 13 (641290) (with title amendment)—Between lines 648 and 649 insert:

Section 17. *(1) The Department of Health shall develop, in collaboration with the Agency for Health Care Administration, a statewide*

plan aimed at implementing the recommendations from the Centers for Disease Control and Prevention for screening for the human immunodeficiency virus (HIV) in adults and adolescents in public and private health care settings. The goals of the plan shall include, but not be limited to, increasing awareness of HIV infection rates and causes, increasing voluntary HIV screening rates in health care settings, identifying previously unrecognized HIV infection, linking HIV-positive clients to clinical and prevention services to reduce future infections, reducing the transmission of HIV to fetuses, and establishing early treatment for those persons infected with HIV. To the extent possible, the plan shall integrate with existing HIV screening and testing programs that are funded by the Centers for Disease Control and Prevention or other organizations. As used in this section, the term "department" means the Department of Health.

(2) In developing the plan, the department shall seek the input of and collaborate with, at a minimum, representatives of the following entities: hospital emergency departments; urgent care clinics; inpatient settings, including labor and delivery; substance abuse treatment clinics; public health clinics; community clinics; federally qualified health clinics; rural health clinics; correctional health care facilities; pediatric and adolescent care clinics; prenatal care clinics; local health departments; and other public and private primary care settings.

(3) The department shall establish a demonstration project as current funds allow in an area of the state with a high incidence of HIV infection to begin implementation of the statewide plan. The demonstration project shall seek to collaborate with the public and private health care settings in subsection (2) and be consistent with the department's current "Test Miami" initiative.

(4) The department shall file an interim report on the status of the development of the statewide plan, which includes any funding needs for the expansion of the demonstration project to other areas of the state, with the Governor, President of the Senate, and the Speaker of the House of Representatives by December 31, 2010. The Department shall file a final report on the statewide plan and implementation and status of the demonstration project with the Governor, President of the Senate, and the Speaker of the House of Representatives by December 31, 2011.

And the title is amended as follows:

Delete line 91 and insert: employee; requiring the Department of Health, along with the Agency for Health Care Administration, to develop a statewide plan to implement recommendations from the Centers for Disease Control and Prevention for screening for the human immunodeficiency virus; providing goals; requiring the department to seek input from certain entities; requiring the department to establish a demonstration project to begin implementation of the statewide plan; requiring the department to file an interim report and a final report to the Governor and the Legislature by specified dates; providing appropriations from the General

Senator Gaetz moved the following amendments which were adopted:

Amendment 14 (280486) (with title amendment)—Between lines 663 and 664 insert:

Section 18. *Dental workforce survey.—*

(1) Beginning in 2012, each person who applies for licensure renewal as a dentist or dental hygienist under chapter 466, Florida Statutes, must, in conjunction with the renewal of such license under procedures and forms adopted by the Board of Dentistry and in addition to any other information that may be required from the applicant, furnish the following information to the Department of Health, working in conjunction with the board, in a dental workforce survey:

(a) Licensee information, including, but not limited to:

1. The name of the dental school or dental hygiene program that the dentist or dental hygienist graduated from and the year of graduation.

2. The year that the dentist or dental hygienist began practicing or working in this state.

3. The geographic location of the dentist's or dental hygienist's practice or address within the state.

4. For a dentist in private practice:

a. The number of full-time dental hygienists employed by the dentist during the reporting period.

b. The number of full-time dental assistants employed by the dentist during the reporting period.

c. The average number of patients treated per week by the dentist during the reporting period.

d. The settings where the dental care was delivered.

5. Anticipated plans of the dentist to change the status of his or her license or practice.

6. The dentist's areas of specialty or certification.

7. The year that the dentist completed a specialty program recognized by the American Dental Association.

8. For a hygienist:

a. The average number of patients treated per week by the hygienist during the reporting period.

b. The settings where the dental care was delivered.

9. The dentist's memberships in professional organizations.

10. The number of pro bono hours provided by the dentist or dental hygienist during the last biennium.

(b) Information concerning the availability and trends relating to critically needed services, including, but not limited to, the following types of care provided by the dentist or dental hygienist:

1. Dental care to children having special needs.

2. Geriatric dental care.

3. Dental services in emergency departments.

4. Medicaid services.

5. Other critically needed specialty areas, as determined by the advisory body.

(2) In addition to the completed survey, the dentist or dental hygienist must submit a statement that the information provided is true and accurate to the best of his or her knowledge and belief.

(3) Beginning in 2012, renewal of a license by a dentist or dental hygienist licensed under chapter 466, Florida Statutes, is not contingent upon the completion and submission of the dental workforce survey; however, for any subsequent license renewal, the board may not renew the license of any dentist or dental hygienist until the survey required under this section is completed and submitted by the licensee.

(4)(a) Beginning in 2012, the Board of Dentistry shall issue a nondisciplinary citation to any dentist or dental hygienist licensed under chapter 466, Florida Statutes, who fails to complete the survey within 90 days after the renewal of his or her license to practice as a dentist or dental hygienist.

(b) The citation must notify a dentist or dental hygienist who fails to complete the survey required by this section that his or her license will not be renewed for any subsequent license renewal unless the dentist or dental hygienist completes the survey.

(c) In conjunction with issuing the license renewal notice required by s. 456.038, Florida Statutes, the board shall notify each dentist or dental hygienist licensed under chapter 466, Florida Statutes, who fails to complete the survey that the survey must be completed before the subsequent license renewal.

Section 19. *(1) The Department of Health shall serve as the coordinating body for the purpose of collecting and regularly updating and disseminating dental workforce data. The department shall work with multiple stakeholders, including the Florida Dental Association and the*

Florida Dental Hygiene Association, to assess and share with all communities of interest all data collected in a timely fashion.

(2) The Department of Health shall maintain a current database to serve as a statewide source of data concerning the dental workforce. The department, in conjunction with the board, shall also:

(a) Develop strategies to maximize federal and state programs that provide incentives for dentists to practice in shortage areas that are federally designated. Strategies shall include programs such as the Florida Health Services Corps established under s. 381.0302, Florida Statutes.

(b) Work in conjunction with an advisory body to address matters relating to the state's dental workforce. The advisory body shall provide input on developing questions for the dentist workforce survey. An advisory body shall include, but need not be limited to, the State Surgeon General or his or her designee, the dean of each dental school accredited in the United States and based in this state or his or her designee, a representative from the Florida Dental Association, a representative from the Florida Dental Hygiene Association, a representative from the Florida Board of Dentistry, and a dentist from each of the dental specialties recognized by the American Dental Association's Commission on Dental Accreditation. Members of the advisory body shall serve without compensation.

(c) Act as a clearinghouse for collecting and disseminating information concerning the dental workforce.

(3) The Department of Health and the Board of Dentistry shall adopt rules necessary to administer this section.

Section 20. *It is the intent of the Legislature that the Department of Health and the Board of Dentistry implement the provisions of this act within existing resources.*

Section 21. Paragraph (t) of subsection (2) of section 499.01, Florida Statutes, is amended to read:

499.01 Permits.—

(2) The following permits are established:

(t) *Health care clinic establishment permit.*—Effective January 1, 2009, a health care clinic establishment permit is required for the purchase of a prescription drug by a place of business at one general physical location that provides health care or veterinary services, which is owned and operated by a business entity that has been issued a federal employer tax identification number. For the purpose of this paragraph, the term "qualifying practitioner" means a licensed health care practitioner defined in s. 456.001, or a veterinarian licensed under chapter 474, who is authorized under the appropriate practice act to prescribe and administer a prescription drug.

1. An establishment must provide, as part of the application required under s. 499.012, designation of a qualifying practitioner who will be responsible for complying with all legal and regulatory requirements related to the purchase, recordkeeping, storage, and handling of the prescription drugs. In addition, the designated qualifying practitioner shall be the practitioner whose name, establishment address, and license number is used on all distribution documents for prescription drugs purchased or returned by the health care clinic establishment. Upon initial appointment of a qualifying practitioner, the qualifying practitioner and the health care clinic establishment shall notify the department on a form furnished by the department within 10 days after such employment. In addition, the qualifying practitioner and health care clinic establishment shall notify the department within 10 days after any subsequent change.

2. The health care clinic establishment must employ a qualifying practitioner at each establishment.

3. In addition to the remedies and penalties provided in this part, a violation of this chapter by the health care clinic establishment or qualifying practitioner constitutes grounds for discipline of the qualifying practitioner by the appropriate regulatory board.

4. The purchase of prescription drugs by the health care clinic establishment is prohibited during any period of time when the establishment does not comply with this paragraph.

5. A health care clinic establishment permit is not a pharmacy permit or otherwise subject to chapter 465. A health care clinic establishment that meets the criteria of a modified Class II institutional pharmacy under s. 465.019 is not eligible to be permitted under this paragraph.

6. This paragraph does not apply to the purchase of a prescription drug by a licensed practitioner under his or her license. *A professional corporation or limited liability company composed of dentists and operating as authorized in s. 466.0285 may pay for prescription drugs obtained by a practitioner licensed under chapter 466, and the licensed practitioner is deemed the purchaser and owner of the prescription drugs.*

Section 22. Paragraph (a) of subsection (6) of section 624.91, Florida Statutes, is amended to read:

624.91 The Florida Healthy Kids Corporation Act.—

(6) BOARD OF DIRECTORS.—

(a) The Florida Healthy Kids Corporation shall operate subject to the supervision and approval of a board of directors chaired by the Chief Financial Officer or her or his designee, and composed of *12* ~~11~~ other members selected for 3-year terms of office as follows:

1. The Secretary of Health Care Administration, or his or her designee.

2. One member appointed by the Commissioner of Education from the Office of School Health Programs of the Florida Department of Education.

3. One member appointed by the Chief Financial Officer from among three members nominated by the Florida Pediatric Society.

4. One member, appointed by the Governor, who represents the Children's Medical Services Program.

5. One member appointed by the Chief Financial Officer from among three members nominated by the Florida Hospital Association.

6. One member, appointed by the Governor, who is an expert on child health policy.

7. One member, appointed by the Chief Financial Officer, from among three members nominated by the Florida Academy of Family Physicians.

8. One member, appointed by the Governor, who represents the state Medicaid program.

9. One member, appointed by the Chief Financial Officer, from among three members nominated by the Florida Association of Counties.

10. The State Health Officer or her or his designee.

11. The Secretary of Children and Family Services, or his or her designee.

12. One member, appointed by the Governor, from among three members nominated by the Florida Dental Association.

And the title is amended as follows:

Between lines 95 and 96 insert: requiring persons who apply for licensure renewal as a dentist or dental hygienist to furnish certain information to the Department of Health in a dental workforce survey; requiring the Board of Dentistry to issue a nondisciplinary citation and a notice for failure to complete the survey within a specified time; providing notification requirements for the citation; requiring the department to serve as the coordinating body for the purpose of collecting, disseminating, and updating dental workforce data; requiring the department to maintain a database regarding the state's dental workforce; requiring the department to develop strategies to maximize federal and state programs and to work with an advisory body to address matters relating to the state's dental workforce; providing membership of the advisory body; providing for members of the advisory body to serve without compensation; requiring the department to act as a clearinghouse for collecting and disseminating information regarding the dental

workforce; requiring the department and the board to adopt rules; providing legislative intent regarding implementation of the act within existing resources; amending s. 499.01, F.S.; authorizing certain business entities to pay for prescription drugs obtained by practitioners licensed under ch. 466, F.S.; amending s. 624.91, F.S.; revising the membership of the board of directors of the Florida Healthy Kids Corporation to include a member nominated by the Florida Dental Association and appointed by the Governor;

Amendment 15 (970808) (with title amendment)—Between lines 663 and 664 insert:

Section 18. Subsection (3) is added to section 381.00315, Florida Statutes, to read:

381.00315 Public health advisories; public health emergencies.—The State Health Officer is responsible for declaring public health emergencies and issuing public health advisories.

(3) To facilitate effective emergency management, when the United States Department of Health and Human Services contracts for the manufacture and delivery of licensable products in response to a public health emergency and the terms of those contracts are made available to the states, the department shall accept funds provided by cities, counties, and other entities designated in the state emergency management plan required under s. 252.35(2)(a) for the purpose of participation in those contracts. The department shall deposit those funds in the Grants and Donations Trust Fund and expend those funds on behalf of the donor city, county, or other entity for the purchase of the licensable products made available under the contract.

And the title is amended as follows:

Between lines 95 and 96 insert: amending s. 381.00315, F.S.; directing the Department of Health to accept funds from counties, municipalities, and certain other entities for the purchase of certain products made available under a contract with the United States Department of Health and Human Services for the manufacture and delivery of such products in response to a public health emergency;

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 16 (516606) (with title amendment)—Between lines 648 and 649 insert:

Section 17. Present subsections (32) through (54) of section 499.003, Florida Statutes, are renumbered as subsections (33) through (55), respectively, and a new subsection (32) is added to that section, to read:

499.003 Definitions of terms used in this part.—As used in this part, the term:

(32) "Medical convenience kit" means packages or units that contain combination products as defined in 21 C.F.R. s. 3.2(e)(2).

Section 18. Paragraph (i) is added to subsection (3) of section 499.01212, Florida Statutes, to read:

499.01212 Pedigree paper.—

(3) EXCEPTIONS.—A pedigree paper is not required for:

(i) The wholesale distribution of prescription drugs contained within a medical convenience kit if:

1. The medical convenience kit is assembled in an establishment that is registered as a medical device manufacturer with the United States Food and Drug Administration;

2. The medical convenience kit manufacturer purchased the prescription drug directly from the manufacturer or from a wholesaler that purchased the prescription drug directly from the manufacturer;

3. The medical convenience kit manufacturer complies with federal law for the distribution of the prescription drugs within the kit; and

4. The drugs contained in the medical convenience kit are:

a. Intravenous solutions intended for the replenishment of fluids and electrolytes;

b. Products intended to maintain the equilibrium of water and minerals in the body;

c. Products intended for irrigation or reconstitution;

d. Anesthetics; or

e. Anticoagulants.

And the title is amended as follows:

Delete line 91 and insert: employee; amending s. 499.003, F.S.; defining the term "medical convenience kit"; amending s. 499.01212, F.S.; providing that a pedigree paper is not required for wholesale distribution of prescription drugs contained within a medical convenience kit under certain circumstances; providing appropriations from the General

Pursuant to Rule 4.19, **CS for CS for CS for SB 2138** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

MOTION

On motion by Senator Aronberg, the rules were waived and time of recess was extended until 12:30 p.m.

Consideration of **CS for SB 1884** was deferred.

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

BILLS ON THIRD READING

Consideration of **CS for SB 2262**, **SB 1258** and **CS for SB 1918** was deferred.

CS for CS for HB 131—A bill to be entitled An act relating to absent uniformed services and overseas voters; amending s. 97.021, F.S.; defining the term "absent uniformed services voter"; revising the definition of the term "overseas voter"; amending s. 98.0981, F.S., relating to statewide voter information; conforming a cross-reference; amending s. 101.62, F.S.; requiring the supervisor of elections to notify the absent uniformed services voter and overseas voter of the free access system for determining absentee ballot status; providing a timeframe for an absentee ballot to be sent to each absent uniformed services voter and overseas voter; providing acceptable formats for requesting an absentee ballot; modifying circumstances under which the department is authorized to prescribe rules for a ballot to be sent to absent uniformed services voters and overseas voters; amending s. 101.694, F.S.; conforming timeframes for sending an absentee ballot upon receipt of federal postcard application to those prescribed in s. 101.62, F.S.; deleting the requirement for a federal postcard application request to be effective through two regularly scheduled general elections pursuant to changes in federal law; amending s. 101.6952, F.S.; revising responsibilities of the supervisor of elections when an absent uniformed services voter's or overseas voter's request for an absentee ballot includes an e-mail address; requiring the supervisor to record the e-mail address in the absentee ballot record and, via e-mail, confirm that the request was received, inform the voter of the estimated date the absentee ballot will be sent, and notify the voter when the voted absentee ballot is received; amending s. 379.352, F.S., relating to recreational licenses and permits; conforming cross-references; providing effective dates.

—as amended April 26 was read the third time by title.

RECONSIDERATION OF AMENDMENTS

On motion by Senator Thrasher, the Senate reconsidered the vote by which **Amendment 1 (315994)** was adopted April 26. **Amendment 1** was withdrawn.

On motion by Senator Fasano, the Senate reconsidered the vote by which **Amendment 2A (612746)** and **Amendment 2 (710974)** as amended were adopted April 26. **Amendment 2A** and **Amendment 2** as amended were withdrawn.

Senator Thrasher moved the following amendment which was adopted by two-thirds vote:

Amendment 3 (136818) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 97.0115, Florida Statutes, is created to read:

97.0115 Preemption.—All matters set forth in chapters 97-105 are preempted to the state, except as otherwise specifically authorized by state or federal law. The conduct of municipal elections shall be governed by s. 100.3605.

Section 2. Present subsections (2) through (43) of section 97.021, Florida Statutes, are renumbered as subsections (3) through (44), respectively, a new subsection (2) is added to that section, and present subsection (22) of that section is amended, to read:

97.021 Definitions.—For the purposes of this code, except where the context clearly indicates otherwise, the term:

(2) "Absent uniformed services voter" means:

(a) A member of a uniformed service on active duty who, by reason of such active duty, is absent from the place of residence where the member is otherwise qualified to vote;

(b) A member of the merchant marine who, by reason of service in the merchant marine, is absent from the place of residence where the member is otherwise qualified to vote; or

(c) A spouse or dependent of a member referred to in paragraph (a) or paragraph (b) who, by reason of the active duty or service of the member, is absent from the place of residence where the spouse or dependent is otherwise qualified to vote.

(23)~~(22)~~ "Overseas voter" means:

(a) *An absent uniformed services voter who, by reason of active duty or service, is absent from the United States on the date of the election involved* ~~Members of the uniformed services while in the active service who are permanent residents of the state and are temporarily residing outside the territorial limits of the United States and the District of Columbia~~;

(b) *A person who resides outside the United States and is qualified to vote in the last place in which the person was domiciled before leaving the United States* ~~Members of the Merchant Marine of the United States who are permanent residents of the state and are temporarily residing outside the territorial limits of the United States and the District of Columbia~~; *or* ~~and~~

(c) *A person who resides outside the United States and, but for such residence, would be qualified to vote in the last place in which the person was domiciled before leaving the United States* ~~Other citizens of the United States who are permanent residents of the state and are temporarily residing outside the territorial limits of the United States and the District of Columbia,~~

~~who are qualified and registered to vote as provided by law~~.

Section 3. Subsection (3) of section 98.0981, Florida Statutes, is amended to read:

98.0981 Reports; voting history; statewide voter registration system information; precinct-level election results; book closing statistics.—

(3) PRECINCT-LEVEL BOOK CLOSING STATISTICS.—After the date of book closing but before the date of an election as defined in *s. 97.021* ~~s. 97.021(10)~~ to fill a national, state, county, or district office, or to vote on a proposed constitutional amendment, the department shall compile the following precinct-level statistical data for each county:

(a) Precinct numbers.

(b) Total number of active registered voters by party for each precinct.

Section 4. Section 101.111, Florida Statutes, is amended to read:

101.111 *Voter challenges* ~~Person desiring to vote may be challenged; challenger to execute oath; oath of person challenged; determination of challenge~~.—

(1)(a) Any registered elector or poll watcher of a county may challenge the right of a person to vote in that county. The challenge must be in writing and contain the following oath, which shall be delivered to the clerk or inspector:

OATH OF PERSON ENTERING CHALLENGE

State of Florida

County of ....

I do solemnly swear or affirm that my name is ....; that I am a member of the .... Party; that I am a registered voter or pollwatcher; that my residence address is ...., in the municipality of ....; and that I have reason to believe that .... is attempting to vote illegally and the reasons for my belief are set forth herein to wit:

_____(Signature of person challenging voter)_____

Sworn and subscribed to before me this .... day of ...., ____(year)____.

_____(Clerk of election)_____

(b)*1.* The clerk or inspector shall immediately deliver to the challenged person a copy of the oath of the person entering the challenge, and the challenged voter shall be allowed to cast a provisional ballot in accordance with s. 101.048*, except as provided in subparagraph 2.*

2. If the basis for the challenge is that the person's legal residence is not in that precinct, the person shall first be given the opportunity to execute a change of legal residence in order to be able to vote a regular ballot in accordance with s. 101.045(2). If the change of legal residence is such that the person is then properly registered for that precinct, the person shall be allowed to vote a regular ballot. If the change of legal residence places the person in another precinct, the person shall be directed to the proper precinct to vote. If such person insists that he or she is currently in the proper precinct, the person shall be allowed to vote a provisional ballot in accordance with s. 101.048.

(c) Alternatively, a challenge in accordance with this section may be filed in advance with the supervisor of elections no sooner than 30 days before an election. The supervisor shall promptly provide the election board in the challenged voter's precinct with a copy of the oath of the person entering the challenge. The challenged voter shall be allowed to cast a provisional ballot in accordance with s. 101.048*, subject to the provisions of subparagraph (b)2.*

(2) Any elector or poll watcher filing a frivolous challenge of any person's right to vote commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083; however, electors or poll watchers shall not be subject to liability for any action taken in good faith and in furtherance of any activity or duty permitted of such electors or poll watchers by law. Each instance where any elector or poll watcher files a frivolous challenge of any person's right to vote constitutes a separate offense.

Section 5. Subsection (3) of section 101.56075, Florida Statutes, is amended to read:

101.56075 Voting methods.—

(3) By *2016* ~~2012~~, persons with disabilities shall vote on a voter interface device that meets the voter accessibility requirements for individuals with disabilities under s. 301 of the federal Help America Vote Act of 2002 and s. 101.56062 which are consistent with subsection (1) of this section.

Section 6. Subsections (2) and (5) of section 101.5612, Florida Statutes, are amended to read:

101.5612 Testing of tabulating equipment.—

(2) On any day not more than 10 days prior to the commencement of early voting as provided in s. 101.657, the supervisor of elections shall have the automatic tabulating equipment publicly tested to ascertain that the equipment will correctly count the votes cast for all offices and on all measures. If the ballots to be used at the polling place on election day are not available at the time of the testing, the supervisor may conduct an additional test not more than 10 days before election day. Public notice of the time and place of the test shall be given at least 48 hours prior thereto by publication *on the supervisor of elections' website and* once in one or more newspapers of general circulation in the county or, if there is no newspaper of general circulation in the county, by posting the notice in at least four conspicuous places in the county. The supervisor or the municipal elections official may, at the time of qualifying, give written notice of the time and location of the public preelection test to each candidate qualifying with that office and obtain a signed receipt that the notice has been given. The Department of State shall give written notice to each statewide candidate at the time of qualifying, or immediately at the end of qualifying, that the voting equipment will be tested and advise each candidate to contact the county supervisor of elections as to the time and location of the public preelection test. The supervisor or the municipal elections official shall, at least 15 days prior to the commencement of early voting as provided in s. 101.657, send written notice by certified mail to the county party chair of each political party and to all candidates for other than statewide office whose names appear on the ballot in the county and who did not receive written notification from the supervisor or municipal elections official at the time of qualifying, stating the time and location of the public preelection test of the automatic tabulating equipment. The canvassing board shall convene, and each member of the canvassing board shall certify to the accuracy of the test. For the test, the canvassing board may designate one member to represent it. The test shall be open to representatives of the political parties, the press, and the public. Each political party may designate one person with expertise in the computer field who shall be allowed in the central counting room when all tests are being conducted and when the official votes are being counted. The designee shall not interfere with the normal operation of the canvassing board.

(5) Any tests involving marksense ballots pursuant to this section shall employ *test* ~~preprinted~~ ballots *created by the supervisor of elections using actual ballots that have been printed for the election.*~~,~~ If ~~preprinted ballots will be used in the election, and~~ ballot-on-demand ballots *will be used in the election, the supervisor shall also create test ballots using the*~~,~~ ~~if~~ ballot-on-demand technology *that* will be used to produce ballots in the election, *using the same paper stock as will be used for ballots in the election* ~~or both~~.

Section 7. Subsections (1), (3), (4), and (5) of section 101.62, Florida Statutes, are amended to read:

101.62 Request for absentee ballots.—

(1)(a) The supervisor *shall* ~~may~~ accept a request for an absentee ballot from an elector in person or in writing. ~~Except as provided in s. 101.694,~~ One request shall be deemed sufficient to receive an absentee ballot for all elections through the next ~~two~~ regularly scheduled general *election* ~~elections~~, unless the elector or the elector's designee indicates at the time the request is made the elections for which the elector desires to receive an absentee ballot. Such request may be considered canceled when any first-class mail sent by the supervisor to the elector is returned as undeliverable.

(b) The supervisor may accept a written or telephonic request for an absentee ballot from the elector, or, if directly instructed by the elector, a member of the elector's immediate family, or the elector's legal guardian. For purposes of this section, the term "immediate family" has the same meaning as specified in paragraph (4)(b). The person making the request must disclose:

1. The name of the elector for whom the ballot is requested.~~;~~

2. The elector's address.~~;~~

3. The elector's date of birth.~~;~~

4. The requester's name.~~;~~

5. The requester's address.~~;~~

6. The requester's driver's license number, if available.~~;~~

7. The requester's relationship to the elector.~~; and~~

8. The requester's signature (written requests only).

(c) Upon receiving a request for an absentee ballot from an absent voter, the supervisor of elections shall notify the voter of the free access system that has been designated by the department for determining the status of his or her absentee ballot.

(3) For each request for an absentee ballot received, the supervisor shall record the date the request was made, the date the absentee ballot was delivered to the voter or the voter's designee or the date the absentee ballot was delivered to the post office or other carrier, the date the ballot was received by the supervisor, and such other information he or she may deem necessary. This information shall be provided in electronic format as provided by rule adopted by the division. The information shall be updated and made available no later than noon of each day *beginning 60 days before the primary until 15 days after the general election* and shall be contemporaneously provided to the division. This information shall be confidential and exempt from the provisions of s. 119.07(1) and shall be made available to or reproduced only for the voter requesting the ballot, a canvassing board, an election official, a political party or official thereof, a candidate who has filed qualification papers and is opposed in an upcoming election, and registered political committees or registered committees of continuous existence, for political purposes only.

(4)(a) *No later than 45 days before each election, the supervisor of elections shall send an absentee ballot as provided in subparagraph (b)2. to each absent uniformed services voter and to each overseas voter who has requested an absentee ballot.* ~~To each absent qualified elector overseas who has requested an absentee ballot, the supervisor of elections shall mail an absentee ballot not less than 35 days before the primary election and not less than 45 days before the general election.~~

(b) The supervisor shall provide an absentee ballot to each elector by whom a request for that ballot has been made by one of the following means:

1. By nonforwardable, return-if-undeliverable mail to the elector's current mailing address on file with the supervisor,~~-~~unless the elector specifies in the request that:

a. The elector is absent from the county and does not plan to return before the day of the election;

b. The elector is temporarily unable to occupy the residence because of hurricane, tornado, flood, fire, or other emergency or natural disaster; or

c. The elector is in a hospital, assisted living facility, nursing home, short-term medical or rehabilitation facility, or correctional facility,

in which case the supervisor shall mail the ballot by nonforwardable, return-if-undeliverable mail to any other address the elector specifies in the request.

2. By forwardable mail*, e-mail, or facsimile machine transmission* to *absent uniformed services voters and overseas* voters ~~who are entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act~~. *The absent uniformed services voter or overseas voter may designate in the absentee ballot request the preferred method of transmission. If the voter does not designate the method of transmission, the absentee ballot shall be mailed.*

3. By personal delivery before 7 p.m. on election day to the elector, upon presentation of the identification required in s. 101.043.

4. By delivery to a designee on election day or up to 5 days prior to the day of an election. Any elector may designate in writing a person to pick up the ballot for the elector; however, the person designated may not pick up more than two absentee ballots per election, other than the designee's own ballot, except that additional ballots may be picked up for members of the designee's immediate family. For purposes of this section, "immediate family" means the designee's spouse or the parent, child, grandparent, or sibling of the designee or of the designee's spouse. The designee shall provide to the supervisor the written authorization by the elector and a picture identification of the designee and must complete an affidavit. The designee shall state in the affidavit that the designee is authorized by the elector to pick up that ballot and shall indicate if the elector is a member of the designee's immediate family and, if so, the relationship. The department shall prescribe the form of the affidavit. If the supervisor is satisfied that the designee is authorized to pick up the ballot and that the signature of the elector on the written authorization matches the signature of the elector on file, the supervisor shall give the ballot to that designee for delivery to the elector.

(5) *If* ~~In the event that~~ the *department* ~~Elections Canvassing Commission~~ is unable to certify *candidates for* ~~the results of~~ an election ~~for a state office~~ in time to comply with *paragraph (4)(a)* ~~subsection (4)~~, the Department of State is authorized to prescribe rules for a ballot to be sent to absent *uniformed services voters and* ~~electors~~ overseas *voters*.

Section 8. Subsection (1) of section 101.694, Florida Statutes, is amended to read:

101.694 Mailing of ballots upon receipt of federal postcard application.—

(1) Upon receipt of a federal postcard application for an absentee ballot executed by a person whose registration is in order or whose application is sufficient to register or update the registration of that person, the supervisor shall *send the ballot in accordance with s. 101.62(4)* ~~mail to the applicant a ballot, if the ballots are available for mailing. The federal postcard application request for an absentee ballot shall be effective for all elections through the next two regularly scheduled general elections~~.

Section 9. Effective July 1, 2010, section 101.6952, Florida Statutes, is amended to read:

101.6952 Absentee ballots for *absent uniformed services and* overseas voters.—

(1) If an *absent uniformed services voter's or an* overseas voter's request for an absentee ballot includes an e-mail address, the supervisor of elections shall*:*

(a) Record the voter's e-mail address in the absentee ballot record;

(b) Confirm by e-mail that the absentee ballot request was received and include in that e-mail the estimated date the absentee ballot will be sent to the voter; and

(c) Notify the voter by e-mail when the voted absentee ballot is received by the supervisor of elections ~~inform the voter of the names of candidates who will be on the ballots via electronic transmission. The supervisor of elections shall e-mail to the voter the list of candidates for the primary and general election not later than 30 days before each election~~.

(2) For absentee ballots received from *absent uniformed services voters or* overseas voters, there is a presumption that the envelope was mailed on the date stated on the outside of the return envelope, regardless of the absence of a postmark on the mailed envelope or the existence of a postmark date that is later than the date of the election.

Section 10. Subsection (2) of section 101.71, Florida Statutes, is amended to read:

101.71 Polling place.—

(2) Notwithstanding the provisions of subsection (1), whenever the supervisor of elections of any county determines that the accommodations for holding any election at a polling place designated for any precinct in the county are unavailable, are inadequate for the expeditious and efficient housing and handling of voting and voting paraphernalia, or do not comply with the requirements of s. 101.715, the supervisor shall, not less than 30 days prior to the holding of an election, provide for the voting place for such precinct to be moved to another site that is accessible to the public on election day in said precinct or, if such is not available, to another site that is accessible to the public on election day in a contiguous precinct. If such action of the supervisor results in the voting place for two or more precincts being located for the purposes of an election in one building, the *supervisor of elections shall provide adequate supplies, equipment, and personnel are available to accommodate the voters for the precincts that are collocated* ~~voting places for the several precincts involved shall be established and maintained separate from each other in said building~~. When any supervisor moves any polling place pursuant to this subsection, the supervisor shall, not more than 30 days or fewer than 7 days prior to the holding of an election, give notice of the change of the polling place for the precinct involved, with clear description of the voting place to which changed, at least once in a newspaper of general circulation in *the* ~~said~~ county *and on the supervisor of elections' website*. A notice of the change of the polling place involved shall be mailed, at least 14 days prior to an election, to each registered elector or to each household in which there is a registered elector.

Section 11. Subsection (1) of section 102.012, Florida Statutes, is amended to read:

102.012 Inspectors and clerks to conduct elections.—

(1)*(a)* The supervisor of elections of each county, at least 20 days prior to the holding of any election, shall appoint an election board comprised of poll workers who serve as clerks or inspectors for each precinct in the county. The clerk shall be in charge of, and responsible for, seeing that the election board carries out its duties and responsibilities. Each inspector and each clerk shall take and subscribe to an oath or affirmation, which shall be written or printed, to the effect that he or she will perform the duties of inspector or clerk of election, respectively, according to law and will endeavor to prevent all fraud, deceit, or abuse in conducting the election. The oath may be taken before an officer authorized to administer oaths or before any of the persons who are to act as inspectors, one of them to swear the others, and one of the others sworn thus, in turn, to administer the oath to the one who has not been sworn. The oaths shall be returned with the poll list and the returns of the election to the supervisor. In all questions that may arise before the members of an election board, the decision of a majority of them shall decide the question. The supervisor of elections of each county shall be responsible for the attendance and diligent performance of his or her duties by each clerk and inspector.

(b) If two or more precincts share the same building and voting place, the supervisor of elections may appoint one election board for the collocated precincts. The supervisor shall provide a sufficient number of poll workers are appointed to adequately handle the processing of the voters in the collocated precincts.

Section 12. Section 102.111, Florida Statutes, is amended to read:

102.111 Elections Canvassing Commission.—

(1) The Elections Canvassing Commission shall consist of the Governor and two members of the Cabinet selected by the Governor*, all of whom shall serve ex officio*. If a member of the ~~Elections Canvassing~~ commission is unable to serve for any reason, the Governor shall appoint a remaining member of the Cabinet. If there is a further vacancy, the remaining members of the commission shall agree on another elected official to fill the vacancy.

(2) The Elections Canvassing Commission shall *meet at 9 a.m. on the 9th day after a primary election and at 9 a.m. on the 14th day after a general election to*~~, as soon as the official results are compiled from all counties,~~ certify the returns of the election ~~and determine and declare who has been elected~~ for each federal, state, and multicounty office. If a member of a county canvassing board that was constituted pursuant to s. 102.141 determines, within 5 days after the certification by the Elections Canvassing Commission, that a typographical error occurred in the official returns of the county, the correction of which could result in a change in the outcome of an election, the county canvassing board must certify corrected returns to the Department of State within 24 hours, and the Elections Canvassing Commission must correct and recertify the election returns as soon as practicable.

(3)~~(2)~~ The Division of Elections shall provide the staff services required by the Elections Canvassing Commission.

Section 13. Subsection (2) of section 102.112, Florida Statutes, is amended to read:

102.112 Deadline for submission of county returns to the Department of State.—

(2) Returns must be filed by 5 p.m. on the 7th day following a primary election and by noon on the 12th day following the general election. However, the Department of State may correct typographical errors, including the transposition of numbers, in any returns submitted to the Department of State pursuant to *s. 102.111(2)* ~~s. 102.111(1)~~.

Section 14. Subsections (2) and (7) of section 102.141, Florida Statutes, are amended to read:

102.141 County canvassing board; duties.—

(2) The county canvassing board shall meet in a building accessible to the public in the county where the election occurred at a time and place to be designated by the supervisor of elections to publicly canvass the absentee electors' ballots as provided for in s. 101.68 and provisional ballots as provided by ss. 101.048, 101.049, and 101.6925. Provisional ballots cast pursuant to s. 101.049 shall be canvassed in a manner that votes for candidates and issues on those ballots can be segregated from other votes. Public notice of the time and place at which the county canvassing board shall meet to canvass the absentee electors' ballots and provisional ballots shall be given at least 48 hours prior thereto by publication *on the supervisor of elections' website and* once in one or more newspapers of general circulation in the county or, if there is no newspaper of general circulation in the county, by posting such notice in at least four conspicuous places in the county. As soon as the absentee electors' ballots and the provisional ballots are canvassed, the board shall proceed to publicly canvass the vote given each candidate, nominee, constitutional amendment, or other measure submitted to the electorate of the county, as shown by the returns then on file in the office of the supervisor of elections ~~and the office of the county court judge~~.

(7) If the unofficial returns reflect that a candidate for any office was defeated or eliminated by one-half of a percent or less of the votes cast for such office, that a candidate for retention to a judicial office was retained or not retained by one-half of a percent or less of the votes cast on the question of retention, or that a measure appearing on the ballot was approved or rejected by one-half of a percent or less of the votes cast on such measure, ~~the board responsible for certifying the results of the vote on such race or measure shall order~~ a recount *shall be ordered* of the votes cast with respect to such office or measure. The *Secretary of State* ~~Elections Canvassing Commission~~ is ~~the board~~ responsible for ordering *recounts in* federal, state, and multicounty *races* ~~recounts~~. *The county canvassing board or the local board responsible for certifying the election is responsible for ordering recounts in all other races.* A recount need not be ordered with respect to the returns for any office, however, if the candidate or candidates defeated or eliminated from contention for such office by one-half of a percent or less of the votes cast for such office request in writing that a recount not be made.

(a) Each canvassing board responsible for conducting a recount shall put each marksense ballot through automatic tabulating equipment and determine whether the returns correctly reflect the votes cast. If any marksense ballot is physically damaged so that it cannot be properly counted by the automatic tabulating equipment during the recount, a true duplicate shall be made of the damaged ballot pursuant to the procedures in s. 101.5614(5). Immediately before the start of the recount, a test of the tabulating equipment shall be conducted as provided in s. 101.5612. If the test indicates no error, the recount tabulation of the ballots cast shall be presumed correct and such votes shall be canvassed accordingly. If an error is detected, the cause therefor shall be ascertained and corrected and the recount repeated, as necessary. The canvassing board shall immediately report the error, along with the cause of the error and the corrective measures being taken, to the Department of State. No later than 11 days after the election, the canvassing board shall file a separate incident report with the Department of State, detailing the resolution of the matter and identifying any measures that will avoid a future recurrence of the error.

(b) Each canvassing board responsible for conducting a recount where touchscreen ballots were used shall examine the counters on the precinct tabulators to ensure that the total of the returns on the precinct tabulators equals the overall election return. If there is a discrepancy between the overall election return and the counters of the precinct tabulators, the counters of the precinct tabulators shall be presumed correct and such votes shall be canvassed accordingly.

(c) The canvassing board shall submit on forms or in formats provided by the division a second set of unofficial returns to the Department of State for each federal, statewide, state, or multicounty office or ballot measure. *The returns shall be filed* no later than 3 p.m. on the *5th* ~~fifth~~ day after any primary election and no later than 3 p.m. on the *9th* ~~ninth~~ day after any general election in which a recount was *ordered by the Secretary of State* ~~conducted pursuant to this subsection~~. If the canvassing board is unable to complete the recount prescribed in this subsection by the deadline, the second set of unofficial returns submitted by the canvassing board shall be identical to the initial unofficial returns and the submission shall also include a detailed explanation of why it was unable to timely complete the recount. However, the canvassing board shall complete the recount prescribed in this subsection, along with any manual recount prescribed in s. 102.166, and certify election returns in accordance with the requirements of this chapter.

(d) The Department of State shall adopt detailed rules prescribing additional recount procedures for each certified voting system, which shall be uniform to the extent practicable.

Section 15. Subsection (1) of section 102.166, Florida Statutes, is amended to read:

102.166 Manual recounts *of overvotes and undervotes*.—

(1) If the second set of unofficial returns pursuant to s. 102.141 indicates that a candidate for any office was defeated or eliminated by one-quarter of a percent or less of the votes cast for such office, that a candidate for retention to a judicial office was retained or not retained by one-quarter of a percent or less of the votes cast on the question of retention, or that a measure appearing on the ballot was approved or rejected by one-quarter of a percent or less of the votes cast on such measure, ~~the board responsible for certifying the results of the vote on such race or measure shall order~~ a manual recount of the overvotes and undervotes cast in the entire geographic jurisdiction of such office or ballot measure *shall be ordered unless:*~~. A manual recount may not be ordered, however, if~~

(a) The candidate or candidates defeated or eliminated from contention by one-quarter of 1 percent or fewer of the votes cast for such office request in writing that a recount not be made; or

(b) The number of overvotes *and*~~,~~ undervotes~~, and provisional ballots~~ is fewer than the number of votes needed to change the outcome of the election.

The Secretary of State is responsible for ordering a manual recount for federal, state, and multicounty races. The county canvassing board or local board responsible for certifying the election is responsible for ordering a manual recount for all other races.

Section 16. Subsection (3) of section 106.25, Florida Statutes, is amended to read:

106.25 Reports of alleged violations to Florida Elections Commission; disposition of findings.—

(3) For the purposes of commission jurisdiction, a violation shall mean the willful performance of an act prohibited by this chapter or chapter 104 or the willful failure to perform an act required by this chapter or chapter 104. Willfulness is a determination of fact; however, at the request of the respondent *at any time after probable cause is found*, willfulness may be considered and determined in an informal hearing before the commission.

Section 17. *Section 18 of this act may be cited as the "Technology in Elections Act."*

Section 18. Subsection (1) of section 106.143, Florida Statutes, is amended, present subsection (8) of that section is renumbered as subsection (9), and a new subsection (8) is added to that section, to read:

106.143 Political advertisements circulated prior to election; requirements.—

(1)(a) Any political advertisement that is paid for by a candidate and that is published, displayed, or circulated *before* ~~prior to~~, or on the day of, any election must prominently state:

1. "Political advertisement paid for and approved by ____(name of candidate)____, ____(party affiliation)____, for ____(office sought)____."*; or*

2. "Paid by ____(name of candidate)____, ____(party affiliation)____, for ____(office sought)____."

(b) Any other political advertisement published, displayed, or circulated *before* ~~prior to~~, or on the day of, any election must prominently:

1. Be marked "paid political advertisement" or with the abbreviation "pd. pol. adv."

2. State the name and address of the persons sponsoring the advertisement.

3.a.(I) State whether the advertisement and the cost of production is paid for or provided in kind by or at the expense of the entity publishing, displaying, broadcasting, or circulating the political advertisement; or

(II) State who provided or paid for the advertisement and cost of production, if different from the source of sponsorship.

b. This subparagraph does not apply if the source of the sponsorship is patently clear from the content or format of the political advertisement.

(c) Any political advertisement made pursuant to s. 106.021(3)(d) must be marked "paid political advertisement" or with the abbreviation "pd. pol. adv." and must prominently state, "Paid for and sponsored by ____(name of person paying for political advertisement)____. Approved by ____(names of persons, party affiliation, and offices sought in the political advertisement)____."

~~This subsection does not apply to campaign messages used by a candidate and the candidate's supporters if those messages are designed to be worn by a person.~~

(8) This section does not apply to any campaign message or political advertisement used by a candidate and the candidate's supporters or by a political committee if the message or advertisement is:

(a) Designed to be worn by a person.

(b) Placed as a paid link on an Internet website, provided the message or advertisement is no more than 200 characters in length and the link directs the user to another Internet website that complies with subsection (1).

(c) Placed as a graphic or picture link where compliance with the requirements of this section is not reasonably practical due to the size of the graphic or picture link and the link directs the user to another Internet website that complies with subsection (1).

(d) Placed at no cost on an Internet website for which there is no cost to post content for public users.

(e) Placed or distributed on an unpaid profile or account which is available to the public without charge or on a social networking Internet website, as long as the source of the message or advertisement is patently clear from the content or format of the message or advertisement. A candidate or political committee may prominently display a statement indicating that the website or account is an official website or account of the candidate or political committee and is approved by the candidate or political committee. A website or account may not be marked as official without prior approval by the candidate or political committee.

(f) Distributed as a text message or other message via Short Message Service, provided the message is no more than 200 characters in length or requires the recipient to sign up or opt in to receive it.

(g) Connected with or included in any software application or accompanying function, provided that the user signs up, opts in, downloads, or otherwise accesses the application from or through a website that complies with subsection (1).

(h) Sent by a third-party user from or through a campaign or committee's website, provided the website complies with subsection (1).

(i) Contained in or distributed through any other technology-related item, service, or device for which compliance with subsection (1) is not reasonably practical due to the size or nature of such item, service, or device as available, or the means of displaying the message or advertisement makes compliance with subsection (1) impracticable.

(9)~~(8)~~ Any person who willfully violates any provision of this section is subject to the civil penalties prescribed in s. 106.265.

Section 19. Paragraph (b) of subsection (1) of section 106.011, Florida Statutes, is reenacted and amended, subsections (3) and (4) of that section are reenacted, subsection (14) of that section is amended, and subsections (18) and (19) of that section are reenacted and amended, to read:

106.011 Definitions.—As used in this chapter, the following terms have the following meanings unless the context clearly indicates otherwise:

(1)

(b) Notwithstanding paragraph (a), the following entities are not considered political committees for purposes of this chapter:

1. Organizations which are certified by the Department of State as committees of continuous existence pursuant to s. 106.04, national political parties, and the state and county executive committees of political parties regulated by chapter 103.

2. Corporations regulated by chapter 607 or chapter 617 or other business entities formed for purposes other than to support or oppose issues or candidates, if their political activities are limited to contributions to candidates, political parties, or political committees or expenditures in support of or opposition to an issue from corporate or business funds and if no contributions are received by such corporations or business entities.

3. Electioneering communications organizations as defined in subsection (19)~~; however, such organizations shall be required to register with and report expenditures and contributions, including contributions received from committees of continuous existence, to the Division of Elections in the same manner, at the same time, and subject to the same penalties as a political committee supporting or opposing an issue or a legislative candidate, except as otherwise specifically provided in this chapter~~.

(3) "Contribution" means:

(a) A gift, subscription, conveyance, deposit, loan, payment, or distribution of money or anything of value, including contributions in kind having an attributable monetary value in any form, made for the purpose of influencing the results of an election or making an electioneering communication.

(b) A transfer of funds between political committees, between committees of continuous existence, between electioneering communications organizations, or between any combination of these groups.

(c) The payment, by any person other than a candidate or political committee, of compensation for the personal services of another person which are rendered to a candidate or political committee without charge to the candidate or committee for such services.

(d) The transfer of funds by a campaign treasurer or deputy campaign treasurer between a primary depository and a separate interest-bearing account or certificate of deposit, and the term includes any interest earned on such account or certificate.

Notwithstanding the foregoing meanings of "contribution," the word shall not be construed to include services, including, but not limited to, legal and accounting services, provided without compensation by individuals volunteering a portion or all of their time on behalf of a can-

didate or political committee. This definition shall not be construed to include editorial endorsements.

(4)(a) "Expenditure" means a purchase, payment, distribution, loan, advance, transfer of funds by a campaign treasurer or deputy campaign treasurer between a primary depository and a separate interest-bearing account or certificate of deposit, or gift of money or anything of value made for the purpose of influencing the results of an election or making an electioneering communication. However, "expenditure" does not include a purchase, payment, distribution, loan, advance, or gift of money or anything of value made for the purpose of influencing the results of an election when made by an organization, in existence prior to the time during which a candidate qualifies or an issue is placed on the ballot for that election, for the purpose of printing or distributing such organization's newsletter, containing a statement by such organization in support of or opposition to a candidate or issue, which newsletter is distributed only to members of such organization.

(b) As used in this chapter, an "expenditure" for an electioneering communication is made when the earliest of the following occurs:

1. A person enters into a contract for applicable goods or services;

2. A person makes payment, in whole or in part, for the production or public dissemination of applicable goods or services; or

3. The electioneering communication is publicly disseminated.

(14) "Filing officer" means the person before whom a candidate qualifies, the agency or officer with whom a political committee *or an electioneering communications organization* registers, or the agency by whom a committee of continuous existence is certified.

(18)(a) "Electioneering communication" means *any communication that is publicly distributed by a television station, radio station, cable television system, satellite system, newspaper, magazine, direct mail, or telephone and* ~~a paid expression in any communications media prescribed in subsection (13) by means other than the spoken word in direct conversation~~ that:

1. Refers to or depicts a clearly identified candidate for office ~~or contains a clear reference indicating that an issue is to be voted on at an election,~~ without expressly advocating the election or defeat of a candidate *but that is susceptible of no reasonable interpretation other than an appeal to vote for or against a specific candidate;* ~~or the passage or defeat of an issue.~~

2. *Is made within 30 days before a primary or special primary election or 60 days before any other election for the office sought by the candidate; and*

3. Is ~~For communications referring to or depicting a clearly identified candidate for office, is~~ targeted to the relevant electorate~~. A communication is considered targeted if 1,000 or more persons~~ in the geographic area the candidate would represent if elected ~~will receive the communication~~.

~~3. For communications containing a clear reference indicating that an issue is to be voted on at an election, is published after the issue is designated a ballot position or 120 days before the date of the election on the issue, whichever occurs first.~~

(b) The term "electioneering communication" does not include:

1. A *communication disseminated through a means of communication other than a television station, radio station, cable television system, satellite system, newspaper, magazine, direct mail, telephone, or* statement or depiction by an organization, in existence prior to the time during which a candidate named or depicted qualifies ~~or an issue identified is placed on the ballot~~ for that election, made in that organization's newsletter, which newsletter is distributed only to members of that organization.

2. *A communication in a news story, commentary, or editorial distributed through the facilities of any radio station, television station, cable television system, or satellite system, unless the facilities are owned or controlled by any political party, political committee, or candidate. A news story distributed through the facilities owned or controlled by any political party, political committee, or candidate may nevertheless be exempt if it represents a bona fide news account communicated through a licensed broadcasting facility and the communication is part of a general pattern of campaign-related news accounts that give reasonably equal coverage to all opposing candidates in the area.* ~~An editorial endorsement, news story, commentary, or editorial by any newspaper, radio, television station, or other recognized news medium.~~

3. A communication that constitutes a public debate or forum that includes at least two opposing candidates for an office or one advocate and one opponent of an issue, or that solely promotes such a debate or forum and is made by or on behalf of the person sponsoring the debate or forum, provided that:

a. The staging organization is either:

(I) A charitable organization that does not make other electioneering communications and does not otherwise support or oppose any political candidate or political party; or

(II) A newspaper, radio station, television station, or other recognized news medium; and

b. The staging organization does not structure the debate to promote or advance one candidate or issue position over another.

(c) For purposes of this chapter, an expenditure made for, or in furtherance of, an electioneering communication shall not be considered a contribution to or on behalf of any candidate.

(d) For purposes of this chapter, an electioneering communication shall not constitute an independent expenditure nor be subject to the limitations applicable to independent expenditures.

(19) "Electioneering communications organization" means any group, other than a political party, political committee, or committee of continuous existence, whose *election-related* activities are limited to making expenditures for electioneering communications or accepting contributions for the purpose of making electioneering communications *and whose activities would not otherwise require the group to register as a political party, political committee, or committee of continuous existence under this chapter*.

Section 20. Subsection (1) of section 106.022, Florida Statutes, is reenacted to read:

106.022 Appointment of a registered agent; duties.—

(1) Each political committee, committee of continuous existence, or electioneering communications organization shall have and continuously maintain in this state a registered office and a registered agent and must file with the division a statement of appointment for the registered office and registered agent. The statement of appointment must:

(a) Provide the name of the registered agent and the street address and phone number for the registered office;

(b) Identify the entity for whom the registered agent serves;

(c) Designate the address the registered agent wishes to use to receive mail;

(d) Include the entity's undertaking to inform the division of any change in such designated address;

(e) Provide for the registered agent's acceptance of the appointment, which must confirm that the registered agent is familiar with and accepts the obligations of the position as set forth in this section; and

(f) Contain the signature of the registered agent and the entity engaging the registered agent.

Section 21. Paragraph (b) of subsection (1) of section 106.03, Florida Statutes, is reenacted and amended, and subsections (2), (4), and (7) of that section are amended, to read:

106.03 Registration of political committees *and electioneering communications organizations*.—

(1)

(b)*1.* Each electioneering communications organization that *receives* ~~anticipates receiving~~ contributions or *makes* ~~making~~ expenditures *during a calendar year in an aggregate amount exceeding $5,000* shall file a statement of organization as provided in *subparagraph 2.* ~~subsection (3)~~ by expedited delivery within 24 hours after its organization or, if later, within 24 hours after the date on which it *receives* ~~has information that causes the organization to anticipate that it will receive~~ contributions or *makes* ~~make~~ expenditures for an electioneering communication *in excess of $5,000*.

2.a. In a statewide, legislative, or multicounty election, an electioneering communications organization shall file a statement of organization with the Division of Elections.

b. In a countywide election or any election held on less than a countywide basis, except as described in sub-subparagraph c., an electioneering communications organization shall file a statement of organization with the supervisor of elections of the county in which the election is being held.

c. In a municipal election, an electioneering communications organization shall file a statement of organization with the officer before whom municipal candidates qualify.

d. Any electioneering communications organization that would be required to file a statement of organization in two or more locations by reason of the organization's intention to support or oppose candidates at state or multicounty and local levels of government need only file a statement of organization with the Division of Elections.

(2) The statement of organization shall include:

(a) The name*, mailing address,* and street address of the committee *or electioneering communications organization*;

(b) The names, street addresses, and relationships of affiliated or connected organizations;

(c) The area, scope, or jurisdiction of the committee *or electioneering communications organization*;

(d) The name, *mailing address,* street address, and position of the custodian of books and accounts;

(e) The name, *mailing address,* street address, and position of other principal officers, *including the treasurer and deputy treasurer* ~~including officers and members of the finance committee~~, if any;

(f) The name, address, office sought, and party affiliation of:

1. Each candidate whom the committee is supporting;

2. Any other individual, if any, whom the committee is supporting for nomination for election, or election, to any public office whatever;

(g) Any issue or issues *the committee* ~~such organization~~ is supporting or opposing;

(h) If the committee is supporting the entire ticket of any party, a statement to that effect and the name of the party;

(i) A statement of whether the committee is a continuing one;

(j) Plans for the disposition of residual funds which will be made in the event of dissolution;

(k) A listing of all banks, safe-deposit boxes, or other depositories used for committee *or electioneering communications organization* funds; ~~and~~

(l) A statement of the reports required to be filed by the committee *or the electioneering communications organization* with federal officials, if any, and the names, addresses, and positions of such officials*; and*

(m) A statement of whether the electioneering communications organization was formed as a newly created organization during the current calendar quarter or was formed from an organization existing prior to the current calendar quarter. For purposes of this subsection, calendar quarters end the last day of March, June, September, and December.

(4) Any change in information previously submitted in a statement of organization shall be reported to the agency or officer with whom such committee *or electioneering communications organization* is required to register ~~pursuant to subsection (3),~~ within 10 days following the change.

(7) The Division of Elections shall *adopt* ~~promulgate~~ rules to prescribe the manner in which ~~inactive~~ committees *and electioneering communications organizations* may be dissolved and have their registration canceled. Such rules shall, at a minimum, provide for:

(a) Notice which shall contain the facts and conduct which warrant the intended action, including but not limited to failure to file reports and limited activity.

(b) Adequate opportunity to respond.

(c) Appeal of the decision to the Florida Elections Commission. Such appeals shall be exempt from the confidentiality provisions of s. 106.25.

Section 22. Subsection (5) of section 106.04, Florida Statutes, is reenacted to read:

106.04 Committees of continuous existence.—

(5) No committee of continuous existence shall make an electioneering communication, contribute to any candidate or political committee an amount in excess of the limits contained in s. 106.08(1), or participate in any activity which is prohibited by this chapter. If any violation occurs, it shall be punishable as provided in this chapter for the given offense. No funds of a committee of continuous existence shall be expended on behalf of a candidate, except by means of a contribution made through the duly appointed campaign treasurer of a candidate. No such committee shall make expenditures in support of, or in opposition to, an issue unless such committee first registers as a political committee pursuant to this chapter and undertakes all the practices and procedures required thereof; provided such committee may make contributions in a total amount not to exceed 25 percent of its aggregate income, as reflected in the annual report filed for the previous year, to one or more political committees registered pursuant to s. 106.03 and formed to support or oppose issues.

Section 23. Section 106.0703, Florida Statutes, is reenacted and amended to read:

106.0703 Electioneering communications organizations; ~~additional~~ reporting requirements*; certification and filing; penalties*.—

(1)(a) Each electioneering communications organization shall file regular reports of all contributions received and all expenditures made by or on behalf of the organization. Reports shall be filed on the 10th day following the end of each calendar quarter from the time the organization is registered. However, if the 10th day following the end of a calendar quarter occurs on a Saturday, Sunday, or legal holiday, the report shall be filed on the next following day that is not a Saturday, Sunday, or legal holiday. Quarterly reports shall include all contributions received and expenditures made during the calendar quarter that have not otherwise been reported pursuant to this section.

(b) Following the last day of candidates qualifying for office, the reports shall be filed on the 32nd, 18th, and 4th days immediately preceding the primary election and on the 46th, 32nd, 18th, and 4th days immediately preceding the general election.

(c) When a special election is called to fill a vacancy in office, all electioneering communications organizations making contributions or expenditures to influence the results of the special election shall file reports with the filing officer on the dates set by the Department of State pursuant to s. 100.111.

(d) In addition, an electioneering communications organization that is registered with the Department of State and that makes a contribution or expenditure to influence the results of a county or municipal election that is not being held at the same time as a state or federal election must file reports with the county or municipal filing officer on the same dates as county or municipal candidates or committees for that election. The electioneering communications organization must also include the expenditure in the next report filed with the Division of Elections pursuant to this section following the county or municipal election.

(e) The filing officer shall make available to each electioneering communications organization a schedule designating the beginning and end of reporting periods as well as the corresponding designated due dates.

(2)(a) Except as provided in s. 106.0705, the reports required of an electioneering communications organization shall be filed with the filing officer not later than 5 p.m. of the day designated. However, any report postmarked by the United States Postal Service no later than midnight of the day designated shall be deemed to have been filed in a timely manner. Any report received by the filing officer within 5 days after the designated due date that was delivered by the United States Postal Service shall be deemed timely filed unless it has a postmark that indicates that the report was mailed after the designated due date. A certificate of mailing obtained from and dated by the United States Postal Service at the time of mailing, or a receipt from an established courier company, which bears a date on or before the date on which the report is due, shall be proof of mailing in a timely manner. Reports shall contain information of all previously unreported contributions received and expenditures made as of the preceding Friday, except that the report filed on the Friday immediately preceding the election shall contain information of all previously unreported contributions received and expenditures made as of the day preceding the designated due date. All such reports shall be open to public inspection.

(b)1. Any report that is deemed to be incomplete by the officer with whom the electioneering communications organization files shall be accepted on a conditional basis. The treasurer of the electioneering communications organization shall be notified, by certified mail or other common carrier that can establish proof of delivery for the notice, as to why the report is incomplete. Within 7 days after receipt of such notice, the treasurer must file an addendum to the report providing all information necessary to complete the report in compliance with this section. Failure to file a complete report after such notice constitutes a violation of this chapter.

2. Notice is deemed sufficient upon proof of delivery of written notice to the mailing or street address of the treasurer or registered agent of the electioneering communication organization on record with the filing officer.

(3)(a) Each report required by this section must contain:

1. The full name, address, and occupation, if any, of each person who has made one or more contributions to or for such electioneering communications organization within the reporting period, together with the amount and date of such contributions. For corporations, the report must provide as clear a description as practicable of the principal type of business conducted by the corporation. However, if the contribution is $100 or less, the occupation of the contributor or the principal type of business need not be listed.

2. The name and address of each political committee from which or to which the reporting electioneering communications organization made any transfer of funds, together with the amounts and dates of all transfers.

3. Each loan for electioneering communication purposes to or from any person or political committee within the reporting period, together with the full names, addresses, and occupations and principal places of business, if any, of the lender and endorsers, if any, and the date and amount of such loans.

4. A statement of each contribution, rebate, refund, or other receipt not otherwise listed under subparagraphs 1.-3.

5. The total sums of all loans, in-kind contributions, and other receipts by or for such electioneering communications organization during the reporting period. The reporting forms shall be designed to elicit separate totals for in-kind contributions, loans, and other receipts.

6. The full name and address of each person to whom expenditures have been made by or on behalf of the electioneering communications organization within the reporting period and the amount, date, and purpose of each expenditure.

7. The full name and address of each person to whom an expenditure for personal services, salary, or reimbursement for expenses has been made and that is not otherwise reported, including the amount, date, and purpose of the expenditure.

8. The total sum of expenditures made by the electioneering communications organization during the reporting period.

9. The amount and nature of debts and obligations owed by or to the electioneering communications organization that relate to the conduct of any electioneering communication.

10. The amount and nature of any separate interest-bearing accounts or certificates of deposit and identification of the financial institution in which such accounts or certificates of deposit are located.

11. The primary purposes of an expenditure made indirectly through an electioneering communications organization for goods and services, such as communications media placement or procurement services and other expenditures that include multiple components as part of the expenditure. The primary purpose of an expenditure shall be that purpose, including integral and directly related components, that comprises 80 percent of such expenditure.

(b) The filing officer shall make available to any electioneering communications organization a reporting form which the electioneering communications organization may use to indicate contributions received by the electioneering communications organization but returned to the contributor before deposit.

(4) The treasurer of the electioneering communications organization shall certify as to the correctness of each report, and each person so certifying shall bear the responsibility for the accuracy and veracity of each report. Any treasurer who willfully certifies the correctness of any report while knowing that such report is incorrect, false, or incomplete commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(5) The electioneering communications organization depository shall provide statements reflecting deposits and expenditures from the account to the treasurer, who shall retain the records pursuant to s. 106.06. The records maintained by the depository with respect to the account shall be subject to inspection by an agent of the Division of Elections or the Florida Elections Commission at any time during normal banking hours, and such depository shall furnish certified copies of any such records to the Division of Elections or the Florida Elections Commission upon request.

(6) Notwithstanding any other provisions of this chapter, in any reporting period during which an electioneering communications organization has not received funds, made any contributions, or expended any reportable funds, the treasurer shall file a written report with the filing officer by the prescribed reporting date that no reportable contributions or expenditures were made during the reporting period.

(7)(a) Any electioneering communications organization failing to file a report on the designated due date shall be subject to a fine as provided in paragraph (b) for each late day. The fine shall be assessed by the filing officer and the moneys collected shall be deposited:

1. In the General Revenue Fund, in the case of an electioneering communications organization that registers with the Division of Elections; or

2. In the general revenue fund of the political subdivision, in the case of an electioneering communications organization that registers with an officer of a political subdivision.

No separate fine shall be assessed for failure to file a copy of any report required by this section.

(b) Upon determining that a report is late, the filing officer shall immediately notify the electioneering communications organization as to the failure to file a report by the designated due date and that a fine is being assessed for each late day. The fine shall be $50 per day for the first 3 days late and, thereafter, $500 per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever is greater, for the period covered by the late report. However, for the reports immediately preceding each primary and general election, the fine shall be $500 per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever is greater, for the period covered by the late report. Upon receipt of the report, the filing officer shall determine the

amount of the fine which is due and shall notify the electioneering communications organization. The filing officer shall determine the amount of the fine due based upon the earliest of the following:

1. When the report is actually received by such officer.

2. When the report is postmarked.

3. When the certificate of mailing is dated.

4. When the receipt from an established courier company is dated.

5. When the electronic receipt issued pursuant to s. 106.0705 or other electronic filing system authorized in this section is dated.

Such fine shall be paid to the filing officer within 20 days after receipt of the notice of payment due, unless appeal is made to the Florida Elections Commission pursuant to paragraph (c). Notice is deemed sufficient upon proof of delivery of written notice to the mailing or street address on record with the filing officer. An officer or member of an electioneering communications organization shall not be personally liable for such fine.

(c) The treasurer of an electioneering communications organization may appeal or dispute the fine, based upon, but not limited to, unusual circumstances surrounding the failure to file on the designated due date, and may request and shall be entitled to a hearing before the Florida Elections Commission, which shall have the authority to waive the fine in whole or in part. The Florida Elections Commission must consider the mitigating and aggravating circumstances contained in s. 106.265(1) when determining the amount of a fine, if any, to be waived. Any such request shall be made within 20 days after receipt of the notice of payment due. In such case, the treasurer of the electioneering communications organization shall, within the 20-day period, notify the filing officer in writing of his or her intention to bring the matter before the commission.

(d) The appropriate filing officer shall notify the Florida Elections Commission of the repeated late filing by an electioneering communications organization, the failure of an electioneering communications organization to file a report after notice, or the failure to pay the fine imposed. The commission shall investigate only those alleged late filing violations specifically identified by the filing officer and as set forth in the notification. Any other alleged violations must be stated separately and reported by the division to the commission under s. 106.25(2).

(8) ~~In addition to the reporting requirements in s. 106.07,~~ An electioneering communications organization shall, within 2 days after receiving its initial password or secure sign-on from the Department of State allowing confidential access to the department's electronic campaign finance filing system, electronically file the periodic ~~campaign finance~~ reports that would have been required pursuant to *this section* ~~s. 106.07~~ for reportable activities that occurred since the date of the last general election.

(9) Electioneering communications organizations shall not use credit cards.

Section 24. Paragraph (b) of subsection (2) of section 106.0705, Florida Statutes, is reenacted, and subsections (3) and (4) of that section are amended, to read:

106.0705 Electronic filing of campaign treasurer's reports.—

(2)

(b) Each political committee, committee of continuous existence, electioneering communications organization, or state executive committee that is required to file reports with the division under s. 106.04, s. 106.07, s. 106.0703, or s. 106.29, as applicable, must file such reports with the division by means of the division's electronic filing system.

(3) Reports filed pursuant to this section shall be completed and filed through the electronic filing system not later than midnight of the day designated. Reports not filed by midnight of the day designated are late filed and are subject to the penalties under s. 106.04(8), s. 106.07(8), *s. 106.0703(7),* or s. 106.29(3), as applicable.

(4) Each report filed pursuant to this section is considered to be under oath by the candidate and treasurer*,* ~~or~~ the chair and treasurer, *or the treasurer under s. 106.0703,* whichever is applicable, and such persons are subject to the provisions of s. 106.04(4)(d), s. 106.07(5), *s. 106.0703(4),* or s. 106.29(2), as applicable. Persons given a secure sign-on to the electronic filing system are responsible for protecting such from disclosure and are responsible for all filings using such credentials, unless they have notified the division that their credentials have been compromised.

Section 25. Subsection (1) of section 106.071, Florida Statutes, is reenacted and amended to read:

106.071 Independent expenditures; electioneering communications; reports; disclaimers.—

(1) Each person who makes an independent expenditure with respect to any candidate or issue, and each individual who makes an expenditure for an electioneering communication which is not otherwise reported pursuant to this chapter, which expenditure, in the aggregate, is in the amount of *$5,000* ~~$100~~ or more, shall file periodic reports of such expenditures in the same manner, at the same time, subject to the same penalties, and with the same officer as a political committee supporting or opposing such candidate or issue. The report shall contain the full name and address of the person making the expenditure; the full name and address of each person to whom and for whom each such expenditure has been made; the amount, date, and purpose of each such expenditure; a description of the services or goods obtained by each such expenditure; the issue to which the expenditure relates; and the name and address of, and office sought by, each candidate on whose behalf such expenditure was made.

Section 26. Subsections (4) and (5) of section 106.08, Florida Statutes, are amended, and subsection (7) of that section is reenacted, to read:

106.08 Contributions; limitations on.—

(4)~~(a)~~ Any contribution received by the chair, campaign treasurer, or deputy campaign treasurer of a political committee supporting or opposing a candidate with opposition in an election or supporting or opposing an issue on the ballot in an election on the day of that election or less than 5 days prior to the day of that election may not be obligated or expended by the committee until after the date of the election.

~~(b) Any contribution received by an electioneering communications organization on the day of an election or less than 5 days prior to the day of that election may not be obligated or expended by the organization until after the date of the election and may not be expended to pay for any obligation arising prior to the election.~~

(5)(a) A person may not make any contribution through or in the name of another, directly or indirectly, in any election.

(b) Candidates, political committees, and political parties may not solicit contributions from any religious, charitable, civic, or other causes or organizations established primarily for the public good.

(c) Candidates, political committees, and political parties may not make contributions, in exchange for political support, to any religious, charitable, civic, or other cause or organization established primarily for the public good. It is not a violation of this paragraph for:

1. A candidate, political committee, or political party executive committee to make gifts of money in lieu of flowers in memory of a deceased person;

2. A candidate to continue membership in, or make regular donations from personal or business funds to, religious, political party, civic, or charitable groups of which the candidate is a member or to which the candidate has been a regular donor for more than 6 months; or

3. A candidate to purchase, with campaign funds, tickets, admission to events, or advertisements from religious, civic, political party, or charitable groups.

~~(d) An electioneering communications organization may not accept a contribution from an organization exempt from taxation under s. 527 or s. 501(c)(4) of the Internal Revenue Code, other than a political committee, committee of continuous existence, or political party, unless the contributing organization has registered as if the organization were an electioneering communications organization pursuant to s. 106.03 and~~

~~has filed all campaign finance reports required of electioneering communications organizations pursuant to ss. 106.07 and 106.0703.~~

(7)(a) Any person who knowingly and willfully makes or accepts no more than one contribution in violation of subsection (1) or subsection (5), or any person who knowingly and willfully fails or refuses to return any contribution as required in subsection (3), commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. If any corporation, partnership, or other business entity or any political party, political committee, committee of continuous existence, or electioneering communications organization is convicted of knowingly and willfully violating any provision punishable under this paragraph, it shall be fined not less than $1,000 and not more than $10,000. If it is a domestic entity, it may be ordered dissolved by a court of competent jurisdiction; if it is a foreign or nonresident business entity, its right to do business in this state may be forfeited. Any officer, partner, agent, attorney, or other representative of a corporation, partnership, or other business entity, or of a political party, political committee, committee of continuous existence, electioneering communications organization, or organization exempt from taxation under s. 527 or s. 501(c)(4) of the Internal Revenue Code, who aids, abets, advises, or participates in a violation of any provision punishable under this paragraph commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) Any person who knowingly and willfully makes or accepts two or more contributions in violation of subsection (1) or subsection (5) commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. If any corporation, partnership, or other business entity or any political party, political committee, committee of continuous existence, or electioneering communications organization is convicted of knowingly and willfully violating any provision punishable under this paragraph, it shall be fined not less than $10,000 and not more than $50,000. If it is a domestic entity, it may be ordered dissolved by a court of competent jurisdiction; if it is a foreign or nonresident business entity, its right to do business in this state may be forfeited. Any officer, partner, agent, attorney, or other representative of a corporation, partnership, or other business entity, or of a political committee, committee of continuous existence, political party, or electioneering communications organization, or organization exempt from taxation under s. 527 or s. 501(c)(4) of the Internal Revenue Code, who aids, abets, advises, or participates in a violation of any provision punishable under this paragraph commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 27. Section 106.1437, Florida Statutes, is reenacted to read:

106.1437 Miscellaneous advertisements.—Any advertisement, other than a political advertisement, independent expenditure, or electioneering communication, on billboards, bumper stickers, radio, or television, or in a newspaper, a magazine, or a periodical, intended to influence public policy or the vote of a public official, shall clearly designate the sponsor of such advertisement by including a clearly readable statement of sponsorship. If the advertisement is broadcast on television, the advertisement shall also contain a verbal statement of sponsorship. This section shall not apply to an editorial endorsement.

Section 28. Section 106.1439, Florida Statutes, is reenacted and amended to read:

106.1439 Electioneering communications; disclaimers.—

(1) Any electioneering communication*, other than a telephone call,* shall prominently state: "Paid electioneering communication paid for by ____(Name and address of person paying for the communication)____."

(2) Any electioneering communication telephone call shall identify the persons or organizations sponsoring the call by stating either: "Paid for by ____(insert name of persons or organizations sponsoring the call)____." or "Paid for on behalf of .____..(insert name of persons or organizations authorizing call)...____." This subsection does not apply to any telephone call in which the individual making the call is not being paid and the individuals participating in the call know each other prior to the call.

(3)~~(2)~~ Any person who fails to include the disclaimer prescribed in this section in any electioneering communication that is required to contain such disclaimer commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 29. Paragraphs (a) and (e) of subsection (1) of section 106.147, Florida Statutes, are amended to read:

106.147 Telephone solicitation; disclosure requirements; prohibitions; exemptions; penalties.—

(1)(a) Any ~~electioneering communication telephone call or any~~ telephone call supporting or opposing a candidate, elected public official, or ballot proposal must identify the persons or organizations sponsoring the call by stating either: "paid for by ...." (insert name of persons or organizations sponsoring the call) or "paid for on behalf of ...." (insert name of persons or organizations authorizing call). This paragraph does not apply to any telephone call in which both the individual making the call is not being paid and the individuals participating in the call know each other prior to the call.

~~(e) Any electioneering communication paid for with public funds must include a disclaimer containing the words "paid for by ____(Name of the government entity paying for the communication)____."~~

Section 30. Section 106.17, Florida Statutes, is reenacted to read:

106.17 Polls and surveys relating to candidacies.—Any candidate, political committee, committee of continuous existence, electioneering communication organization, or state or county executive committee of a political party may authorize or conduct a political poll, survey, index, or measurement of any kind relating to candidacy for public office so long as the candidate, political committee, committee of continuous existence, electioneering communication organization, or political party maintains complete jurisdiction over the poll in all its aspects.

Section 31. Subsection (11) of section 379.352, Florida Statutes, is amended to read:

379.352 Recreational licenses, permits, and authorization numbers to take wild animal life, freshwater aquatic life, and marine life; issuance; costs; reporting.—

(11) When acting in its official capacity pursuant to this section, neither the commission nor a subagent is deemed a third-party registration organization, as defined in *s. 97.021* ~~s. 97.021(36)~~, or a voter registration agency, as defined in *s. 97.021* ~~s. 97.021(40)~~, and is not authorized to solicit, accept, or collect voter registration applications or provide voter registration services.

Section 32. Except as otherwise expressly provided in this act, this act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert:A bill to be entitled An act relating to elections; creating s. 97.0115, F.S.; providing that all matters in chapters 97 through 105, F.S., are preempted to the state, unless otherwise specified; amending s. 97.021, F.S.; defining the term "absent uniformed services voter"; revising the definition of the term "overseas voter"; amending s. 98.0981, F.S., relating to statewide voter information; conforming a cross-reference; ; amending s. 101.111, F.S.; revising voter challenge oath requirements; providing circumstances under which a challenged voter may execute a change of legal residence, be directed to the proper precinct, or vote a provisional ballot; amending s. 101.56075, F.S.; extending the deadline by which persons with disabilities will be required to vote on voter interface devices meeting specified requirements; amending s. 101.5612, F.S.; requiring the supervisor of elections to publish on his or her website a notice of testing of tabulating equipment; requiring the use of certain ballots and technology for preelection testing of tabulating equipment; amending s. 101.62, F.S.; requiring the supervisor of elections to notify the absent uniformed services voter and overseas voter of the free access system for determining absentee ballot status; providing a timeframe for an absentee ballot to be sent to each absent uniformed services voter and overseas voter; providing acceptable formats for requesting an absentee ballot; modifying circumstances under which the department is authorized to prescribe rules for a ballot to be sent to absent uniformed services voters and overseas voters; amending s. 101.694, F.S.; requiring a supervisor to send absentee ballots by specified means to certain persons upon receipt of a federal postcard application; deleting provisions relating to the period for which an absentee ballot request is valid; amending s. 101.6952, F.S.; revising responsibilities of the supervisor of

elections when an absent uniformed services voter's or overseas voter's request for an absentee ballot includes an e-mail address; requiring the supervisor to record the e-mail address in the absentee ballot record and, via e-mail, confirm that the request was received, inform the voter of the estimated date the absentee ballot will be sent, and notify the voter when the voted absentee ballot is received; amending s. 101.71, F.S.; requiring the supervisor of elections to ensure the provision of adequate supplies, equipment, and personnel when precincts are collocated; requiring the supervisor of elections to publish the relocation of a polling place on his or her website; amending s. 102.012, F.S.; allowing the supervisor of elections to appoint one election board for collocated precincts and requiring the appointment of adequate personnel for the collocated precincts; amending s. 102.111, F.S.; clarifying that the Governor and Cabinet members shall serve ex officio on the Elections Canvassing Commission; establishing meeting times for the commission; amending s. 102.112, F.S.; conforming a cross-reference; amending s. 102.141, F.S.; requiring the supervisor of elections to publish on his or her website notice of the time for canvassing absentee and provisional ballots; providing circumstances under which the Secretary of State, county canvassing board, or local board is responsible for ordering recounts in elections; specifying the time for filing returns for elections in which a recount was ordered; amending s. 102.166, F.S.; providing circumstances under which the Secretary of State, county canvassing board, or local board is responsible for ordering a manual recount of overvotes and undervotes; amending s. 106.25, F.S.; authorizing the Florida Elections Commission to determine whether a person's conduct was willful in an informal hearing following a finding of probable cause; providing a short title; amending s. 106.143, F.S.; providing an alternative statement that may be used to identify a candidate as the sponsor of a political advertisement under certain circumstances; providing circumstances under which certain campaign messages and political advertisements are not required to state or display specific information regarding the identity of the candidate, his or her party affiliation, and the office sought in the message or advertisement; authorizing a candidate or political committee to place a statement on a social networking website or account indicating that the site or account is an official site or account approved by the candidate or political committee; prohibiting an official designation without the prior approval by the candidate or political committee; amending s. 106.011, F.S.; revising the definition of the term "political committee" to remove certain reporting requirements included in the exclusion of electioneering communications organizations from the definition; revising the definition of the term "filing officer" to expand applicability to electioneering communications organizations; revising the definition of the term "electioneering communication" to conform to certain federal requirements and to delineate what constitutes such a communication; revising the definition of the term "electioneering communications organization"; amending s. 106.03, F.S.; revising the registration requirements for electioneering communications organizations; revising the statement of organization requirements; revising rule adoption requirements relating to dissolution of political committees and electioneering communications organizations; amending s. 106.0703, F.S.; consolidating reporting requirements in ch. 106, F.S., applicable to electioneering communications organizations; providing penalties; conforming provisions; prohibiting the use of credit cards by electioneering communications organizations; amending s. 106.0705, F.S., relating to electronic filing of campaign treasurer's reports; conforming provisions; amending s. 106.071, F.S.; increasing the aggregate amount of expenditures required for filing certain reports related to independent expenditures or electioneering communications; amending s. 106.08, F.S.; removing certain limitations on contributions received by an electioneering communications organization; amending s. 106.1439, F.S.; providing identification requirements for certain electioneering communications; providing an exception for telephone calls; amending s. 106.147, F.S., relating to telephone solicitation disclosure requirements; removing requirements relating to electioneering communication, to conform; reenacting ss. 106.011(1)(b), (3), (4), (18), and (19), 106.022(1), 106.03(1)(b), 106.04(5), 106.0703, 106.0705(2)(b), 106.071(1), 106.08(7), 106.1437, 106.1439, and 106.17, F.S., relating to definitions, registered office and agent requirements, registration requirements, prohibited activities for committees of continuous existence, additional reporting requirements, electronic filing requirements, expenditure reports, penalties for violations pertaining to limitations on contributions, miscellaneous advertisements, electioneering communications disclaimers and penalties for failure to include disclaimers, and polls and surveys pertaining to candidacies, to cure and conform; amending s. 379.352, F.S., relating to recreational licenses and permits; conforming cross-references; providing effective dates.

On motion by Senator Thrasher, **CS for CS for HB 131** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Haridopolos

Consideration of **CS for CS for SB 570**, **CS for SB 1126** and **SB 2252** was deferred.

CS for HB 795—A bill to be entitled An act relating to penalties for violations of traffic laws; amending s. 318.14, F.S.; providing for a person charged with a noncriminal traffic infraction to make periodic payments to pay civil penalties and fees; providing for certain persons cited for specified offenses to provide proof of compliance to a designated official; providing alternative citation disposition procedures for the offense of operating a motor vehicle with a license that has been suspended for failure to pay certain financial obligations or to comply with specified education requirements; amending s. 318.15, F.S.; providing for suspension of a driver's license for failure to enter into or comply with the terms of a penalty payment plan; providing for reinstatement of the suspended license; amending s. 322.331, F.S.; providing for the removal of a habitual traffic offender designation upon proof of compliance with statutory provisions by certain offenders; amending s. 322.34, F.S.; providing alternative citation disposition procedures for the offense of knowingly operating a motor vehicle with a license that has been suspended for failure to pay certain financial obligations or failure to comply with specified education requirements; providing that adjudication shall be withheld under the alternative disposition and that such withholding of adjudication is not a conviction; providing an effective date.

—was read the third time by title.

On motion by Senator Smith, **CS for HB 795** was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Alexander, by two-thirds vote **CS for SJR 1254** was withdrawn from the Committees on Education Pre-K - 12 Appropriations; and Finance and Tax; and the Policy and Steering Committee on Ways and Means.

On motion by Senator Fasano, by two-thirds vote **CS for SJR 1254** was withdrawn from the Committee on Rules and by two-thirds vote placed on Special Order Calendar to be considered this day.

BILLS ON THIRD READING

Consideration of **CS for CS for HB 971**, **CS for HB 483** and **CS for CS for CS for HB 665** was deferred.

CS for CS for SB 1234—A bill to be entitled An act relating to licensing standards for child care facilities; providing a short title; amending s. 402.305, F.S.; providing minimum licensing requirements for window blinds and other window coverings; requiring child care facilities to retrofit window blinds, window coverings, pull cords, or inner cords by a specified date in order to eliminate cords that pose a risk of strangulation; providing a definition; authorizing the Department of Children and Family Services to provide certain information regarding window blinds and window coverings; authorizing the department to adopt rules; amending s. 402.302, F.S.; revising and providing definitions; providing for certain household children to be included in calculations regarding the capacity of licensed family day care homes and large family child care homes; providing conditions for supervision of household children of operators of family day care homes and large family child care homes; amending s. 402.318, F.S.; revising advertising requirements applicable to child care facilities; providing penalties; providing an effective date.

—as amended April 27 was read the third time by title.

On motion by Senator Garcia, **CS for CS for SB 1234** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Gelber

CS for HB 483—A bill to be entitled An act relating to the tax on sales, use, and other transactions; specifying a period during which the sale of books, clothing, and school supplies is exempt from the tax; providing definitions; providing exceptions; authorizing the Department of Revenue to adopt emergency rules; providing an appropriation; providing an effective date.

—was read the third time by title.

On motion by Senator Fasano, **CS for HB 483** was passed by the required constitutional two-thirds vote of the membership and certified to the House. The vote on passage was:

Yeas—37

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

Nays—1

Rich

Vote after roll call:

Yea—Garcia

RECESS

On motion by Senator Fasano, the Senate recessed at 12:21 p.m. to reconvene at 1:30 p.m. or upon call of the President.

AFTERNOON SESSION

The Senate was called to order by Senator Fasano at 1:40 p.m. A quorum present—32:

Mr. President	Gelber	Rich
Altman	Haridopolos	Richter
Baker	Hill	Ring
Bennett	Jones	Siplin
Constantine	Joyner	Smith
Detert	Justice	Sobel
Dockery	Lawson	Storms
Fasano	Lynn	Thrasher
Gaetz	Negron	Wilson
Garcia	Oelrich	Wise
Gardiner	Peaden	

BILLS ON THIRD READING

CS for CS for HB 971—A bill to be entitled An act relating to highway safety and motor vehicles; amending s. 316.003, F.S.; defining the term "tri-vehicle" for purposes of the Florida Uniform Traffic Control Law; amending s. 316.066, F.S.; authorizing law enforcement agencies and county traffic operations to access certain crash reports held by an agency; amending s. 316.0741, F.S.; providing that certain tri-vehicles are hybrid vehicles; amending s. 316.159, F.S.; requiring that drivers of certain commercial motor vehicles slow before crossing a railroad grade crossing; providing penalties; amending s. 316.193, F.S.; revising qualifications for an immobilization agency and certain employees of the agency to immobilize vehicles in a judicial circuit; requiring the immobilization agency to verify through a Florida Department of Law Enforcement background check the qualifications of a person hired to immobilize a vehicle; redefining the terms "immobilization agency" and "immobilization agencies"; amending 316.2065, F.S.; requiring bicycles to be ridden in the lane marked for bicycle use except under specified circumstances; providing penalties; amending s. 316.2085, F.S.; permitting certain license tags for motorcycles or mopeds to be affixed perpendicularly to the ground under certain circumstances; amending s. 316.2952, F.S.; authorizing certain satellite reception devices to be attached to the windshield of a motor vehicle; amending s. 316.29545, F.S., relating to window sunscreening exclusions; excluding vehicles operated by persons with certain medical conditions from certain window sunscreening restrictions; excluding vehicles owned or leased by private investigators or private investigative services from specified window

sunscreening restrictions; providing rulemaking authority to the Department of Highway Safety and Motor Vehicles regarding sunscreening restrictions; amending s. 316.605, F.S.; providing an exception for certain motorcycles or mopeds to a requirement that license plates be affixed and displayed in such a manner that the letters and numerals shall be read from left to right parallel to the ground; amending s. 316.646, F.S.; directing the department to suspend the registration and driver's license of a person convicted of failure to maintain required security on a motor vehicle; amending s. 318.14, F.S.; providing procedures for disposition of a citation for violating specified learner's driver's license restrictions; correcting an erroneous reference; requiring a person who commits a traffic violation requiring a hearing or commits a criminal traffic violation to sign and accept a citation indicating a promise to appear for a hearing; removing a requirement that a person cited for a noncriminal traffic infraction not requiring a hearing must sign and accept the citation indicating a promise to appear; requiring an officer to certify the delivery of a citation to the person cited; providing penalties; providing for certain persons cited for specified offenses to provide proof of compliance to a designated official; providing alternative citation disposition procedures for the offense of operating a motor vehicle with a license that has been suspended for failure to pay certain financial obligations or to comply with specified education requirements; amending s. 318.18, F.S.; providing that the penalty for speeding in designated school crossing is twice the otherwise applicable amount; amending s. 319.28, F.S.; requiring lienholders repossessing vehicles in this state to apply to a tax collector's office in this state or to the department for a certificate of repossession or to the department for a certificate of title; amending s. 319.30, F.S.; defining the term "independent entity" for purposes of provisions for salvage and dismantling, destruction, and change of identity of motor vehicle or mobile home; providing for a notice and release statement prescribed by the department from an insurance company to an independent entity that stores a damaged or dismantled motor vehicle for the insurance company; providing procedures for disposition of the vehicle by the independent entity; requiring the independent entity to notify the owner when the vehicle is available for pick up; authorizing the independent entity to apply for a certificate of destruction or a certificate of title if the vehicle is not claimed within a certain period; providing requirements for submission of the application; prohibiting the independent entity from charging an owner of the vehicle storage fees or applying for a certificate of title under specified provisions; amending s. 320.02, F.S.; requiring the application forms for motor vehicle registration and renewal of registration to include language permitting the applicant to make a voluntary contribution to the League Against Cancer/La Liga Contra el Cancer; amending s. 320.03, F.S., relating to an electronic filing system used to provide titling and registration functions for motor vehicles, vessels, mobile homes, and off-highway vehicles; providing regulatory authority over the electronic filing system to the department; providing for statewide uniform application of the system; providing that entities that sell products that require titling or registration and that meet certain requirements may be agents for the system and may not be precluded from using the system; requiring tax collectors to appoint such entities as electronic filing system agents; providing rulemaking authority; providing that such rules shall replace existing program standards; providing that existing standards remain in place until such rulemaking is complete, except for existing standards conflicting with this section; providing that an authorized electronic filing agent may charge fees to customers; providing that certain providers of the electronic filing system shall continue to comply with certain financial arrangements with the Tax Collector Service Corporation; providing for expiration of the provisions requiring the providers to comply with the financial arrangements; amending s. 320.05, F.S.; requiring specified fees be collected for providing registration data by electronic access through a tax collector's office; providing for distribution of the fees collected; providing an exception; amending s. 320.071, F.S.; revising the time period during which the owner of an apportioned motor vehicle may file an application for renewal of registration; amending s. 320.08, F.S.; establishing license taxes for tri-vehicles and antique motorcycles; amending s. 45 of chapter 2008-176, Laws of Florida; delaying the expiration of the moratorium on the issuance of new specialty license plates by the department; amending s. 320.08053, F.S.; removing provisions requiring an organization seeking authorization to establish a new specialty license plate to submit a sample survey of motor vehicle owners to the department; requiring the department to establish a method to issue vouchers allowing the presale of a specialty license plate; requiring that an organization that is approved to issue a specialty license plate record with the department a minimum number of voucher sales in order to proceed with the development of the plate; providing for the purchaser of a voucher to receive a refund or use the voucher to purchase of another license plate if the specialty plate is deauthorized; providing that changes to specified provisions relating to establishing a new specialty license plate do not apply to certain organizations; amending ss. 320.08056 and 320.08058, F.S.; conforming provisions to changes made by the act; creating the Hispanic Achievers license plate, the Children First license plate, and the Veterans of Foreign Wars license plate; establishing an annual use fee for the plates; providing for distribution of use fees received from the sale of such plates; prohibiting the department from establishing new voluntary contributions on the motor vehicle registration application form or the driver's license application form during a certain time period; providing exceptions; amending s. 320.0807, F.S.; revising provisions governing the special license plates issued to federal and state legislators; amending s. 320.084, F.S.; providing for a biennial registration renewal period for disabled veteran license plates; amending s. 321.03, F.S.; providing that it is unlawful to possess or color or cause to be colored a motor vehicle or motorcycle of the same or similar color as those prescribed for the Florida Highway Patrol unless specifically authorized by the Florida Highway Patrol; amending s. 321.05, F.S.; providing that officers of the Florida Highway Patrol have the same arrest and other authority as that provided for certain other state law enforcement officers; amending s. 322.01, F.S.; defining the term "tri-vehicle" and excluding such vehicles from the definition of "motorcycle" as those terms are used in provisions for drivers' licenses; amending s. 322.08, F.S.; requiring the application form for an original, renewal, or replacement driver's license or identification card to include language permitting the applicant to make voluntary contributions for certain purposes; requiring such forms to include language permitting the applicant to make a voluntary contribution to the League Against Cancer/La Liga Contra el Cancer and to state homes for veterans; providing for distribution of funds collected from such contributions; providing that such contributions are not considered income of a revenue nature; amending s. 322.121, F.S.; revising legislative intent for reexamination of licensed drivers upon the renewal of the driver's license; removing a requirement that each licensee must pass a reexamination at the time of license renewal; amending s. 322.18, F.S.; authorizing a licensed physician at a federally established veterans' hospital to administer a vision test for purposes of renewing a driver's license; conforming a cross-reference; amending s. 322.2615, F.S.; revising requirements for information an officer must submit to the department after suspending a driver's license for certain DUI offenses; removing a requirement that the officer submit a copy of a crash report; authorizing the officer to submit such report; amending s. 322.271, F.S.; providing procedures for the restoration of the driving privileges of certain persons whose driving privileges have been revoked; providing for a hearing; providing for the adoption of rules; providing a phase-in period; amending s. 322.2715, F.S.; requiring the installation of an ignition interlock device under certain circumstances; amending s. 322.34, F.S.; providing that if a person does not hold a commercial driver's license and is cited for an offense of knowingly driving while his or her license is suspended, revoked, or canceled for specified offenses, he or she may, in lieu of payment of a fine or court appearance, elect to enter a plea of nolo contendere and provide proof of compliance to the clerk of the court, designated official, or authorized operator of a traffic violations bureau; limiting a driver's option to elect such a remedy; amending s. 322.61, F.S.; revising the period of disqualification from operating a commercial motor vehicle for a violation of an out-of-service order; amending s. 488.06, F.S.; specifying additional circumstances under which the department may suspend or revoke a license or certificate of a driving school; providing procedures for background screening; amending ss. 261.03 and 317.0003, F.S.; revising the definition of the term "ROV" to include vehicles of an increased width and weight for purposes of provisions relating to off-highway vehicles; amending s. 316.008, F.S.; authorizing a county or municipality to enact an ordinance to permit, control, or regulate the operation of vehicles, golf carts, mopeds, motorized scooters, and electric personal assistive mobility devices on sidewalks or sidewalk areas under certain conditions; requiring the ordinance to restrict such vehicles or devices to a certain maximum speed; amending s. 316.1995, F.S.; specifying exceptions to restrictions on operating vehicles upon a bicycle path, sidewalk, or sidewalk area; amending s. 316.212, F.S.; providing for a local governmental entity to enact an ordinance relating to golf cart operation on sidewalks in certain areas if certain conditions are met; amending s. 316.2128, F.S.; revising requirements for signage which must be displayed by certain sellers of motorized scooters or miniature motorcycles; creating the "Ronshay Dugans Act"; designating Drowsy Driving Prevention Week; encouraging the Department of Highway Safety and

Motor Vehicles and the Department of Transportation to educate the law enforcement community and the public about the relationship between fatigue and driving performance; providing effective dates.

—was read the third time by title.

On motion by Senator Gardiner, **CS for CS for HB 971** was passed and certified to the House. The vote on passage was:

Yeas—29

Mr. President	Gardiner	Richter
Altman	Gelber	Ring
Baker	Haridopolos	Siplin
Bennett	Hill	Smith
Constantine	Joyner	Sobel
Detert	Justice	Storms
Dockery	Lynn	Thrasher
Fasano	Negron	Wilson
Gaetz	Peaden	Wise
Garcia	Rich	

Nays—None

Vote after roll call:

Yea—Aronberg, Bullard, Crist, Dean, Diaz de la Portilla, Jones, Lawson, Oelrich

Yea to Nay—Garcia

CS for HB 969—A bill to be entitled An act relating to space and aerospace infrastructure; creating s. 331.370, F.S.; revising authorized uses of specified Space Florida appropriations; providing an effective date.

—was read the third time by title.

On motion by Senator Altman, **CS for HB 969** was passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Aronberg, Bullard, Crist, Dean

SB 194—A bill to be entitled An act relating to violations of injunctions for protection; amending s. 784.047, F.S.; adding circumstances that violate an injunction for protection against repeat violence, sexual violence, or dating violence; providing an effective date.

—was read the third time by title.

On motion by Senator Joyner, **SB 194** was passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Aronberg, Bullard, Crist, Dean

CS for CS for SB 346—A bill to be entitled An act relating to working waterfront property; creating s. 193.704, F.S.; providing definitions; specifying properties that are eligible for classification as working waterfront property; requiring the assessment of working waterfront property based on current use; specifying a methodology for determining assessed value; requiring property appraisers to consider specified factors in assessing certain property; providing for assessment of a portion of property within a working waterfront property which is not used as working waterfront property; requiring an application for classification of property as working waterfront property; specifying application requirements; authorizing a property appraiser to approve an application not filed by a certain deadline due to extenuating circumstances; providing for waiver of annual application requirements; providing for loss of classification upon a change of ownership or use; requiring property owners to notify the property appraiser of changes in use or ownership of property; imposing a penalty for failure to notify the property appraiser of an event resulting in the unlawful or improper classification of property as working waterfront property; requiring imposition of tax liens to recover penalties and interest; requiring property appraisers to make a list relating to applications to certify property as working waterfront property; providing an appeal process for applications that have been denied; amending s. 195.073, F.S.; providing for the classification of land as working waterfront property on an assessment roll; providing emergency rulemaking authority; providing for retroactive application; providing an alternate application date for 2010; providing an effective date.

—was read the third time by title.

On motion by Senator Dean, **CS for CS for SB 346** was passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Crist

CS for CS for CS for SB 354—A bill to be entitled An act relating to mobile home and recreational vehicle parks; amending s. 513.01, F.S.; providing and revising definitions; amending s. 513.012, F.S.; specifying laws and rules to be enforced by the Department of Health; providing for

the adoption of rules; amending s. 513.014, F.S.; revising applicability of recreational vehicle park requirements to mobile home parks; amending s. 513.02, F.S.; revising permit requirements; providing requirements for construction review and approval for private parks and camps; requiring the department to adopt rules; amending s. 513.03, F.S.; revising requirements for permit applications; amending s. 513.045, F.S.; revising fees charged to operators of certain parks or camps; authorizing persons to request from the department a review of plans for a proposed park or camp; requiring certain construction and renovation plans to be submitted to the department for review and approval; amending s. 513.05, F.S.; providing the department with additional rulemaking authority; amending s. 513.054, F.S.; providing that an operator of a mobile home or recreational vehicle park or camp who refuses to pay the operating permit fee required by law or who fails, neglects, or refuses to obtain an operating permit for the park commits a misdemeanor of the second degree; amending s. 513.055, F.S.; conforming permit terminology; amending s. 513.10, F.S.; providing that a person who operates a mobile home, lodging, or recreational vehicle park without a permit commits a misdemeanor of the second degree; repealing s. 513.111, F.S., relating to the posting and advertising of certain site rates; creating s. 513.1115, F.S.; providing requirements for the establishment of separation and setback distances; amending s. 513.112, F.S.; deleting a provision requiring guest registers to be made available for inspection by the department at any time; amending s. 513.115, F.S.; revising requirements for the handling of unclaimed property; amending s. 513.13, F.S.; providing a penalty for failure to depart from a park under certain circumstances; barring an operator from certain liability; providing an effective date.

—was read the third time by title.

On motion by Senator Dean, **CS for CS for CS for SB 354** was passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Bullard, Crist

CS for CS for HB 435—A bill to be entitled An act relating to marketable record title; amending s. 712.03, F.S.; revising the exceptions to marketability by including any right, title, or interest held by the Board of Trustees of the Internal Improvement Trust Fund, any water management district, or the United States; amending s. 712.04, F.S.; conforming provisions to changes made by the act; amending s. 712.06, F.S.; providing requirements for a recorded notice to preserve a claim of right; providing an effective date.

—was read the third time by title.

On motion by Senator Baker, **CS for CS for HB 435** was passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Bullard

CS for SB 796—A bill to be entitled An act relating to injunctions for protection against domestic violence, repeat violence, sexual violence, or dating violence; amending ss. 741.30 and 784.046, F.S.; subject to available funding, directing the Florida Association of Court Clerks to develop an automated process by which a petitioner may request notification of service of the injunction for protection; requiring that notice to the petitioner be given to the petitioner within a specified time; providing for the content of the notice; providing an effective date.

—was read the third time by title.

On motion by Senator Hill, **CS for SB 796** was passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Bullard

CS for HB 569—A bill to be entitled An act relating to landfills; amending s. 403.708, F.S.; authorizing the disposal of yard trash at specified Class I landfills; requiring such landfills to obtain a modified operating permit; requiring permittees to certify certain collection and beneficial use of landfill gas; providing applicability; providing an effective date.

—as amended April 27 was read the third time by title.

Senator Justice moved the following amendment which failed to receive the required two-thirds vote:

Amendment 2 (752048) (with title amendment)—Before line 11 insert:

Section 1. Section 376.30702, Florida Statutes, is amended to read:

376.30702 Contamination notification.—

(1) FINDINGS; INTENT; APPLICABILITY.—The Legislature finds ~~and declares~~ that when contamination is discovered by any person as a result of site rehabilitation activities conducted pursuant to the risk-based corrective action provisions found in s. 376.3071(5), s. 376.3078(4), s. 376.81, or s. 376.30701, *or pursuant to an administrative or court*

order, it is in the public's best interest that potentially affected persons be notified of the existence of such contamination. Therefore, persons discovering such contamination shall notify the department *and those identified under this section* of *the* ~~such~~ discovery in accordance with the requirements of this section~~, and the department shall be responsible for notifying the affected public~~. The Legislature intends *that* ~~for the provisions of~~ this section ~~to~~ govern the notice requirements for early notification of the discovery of contamination.

(2) INITIAL NOTICE OF CONTAMINATION ~~BEYOND PROPERTY BOUNDARIES~~.—

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

(b) The notice *must* ~~shall~~ include the following information:

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

2.~~(b)~~ A listing of all record owners of *the* ~~any~~ real property~~, other than the property at which site rehabilitation was initiated pursuant to s. 376.3071(5), s. 376.3078(4), s. 376.81, or s. 376.30701,~~ at which contamination has been discovered; the parcel identification number for ~~any~~ such ~~real~~ property; the owner's address listed in the current county property tax office records; and the owner's telephone number. ~~The requirements of this paragraph do not apply to the notice to known tenants and lessees of the source property.~~

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

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

(3) DEPARTMENT'S NOTICE RESPONSIBILITIES.—

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

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

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

3. The school district superintendent representing the affected area.

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

5. All real property owners, presidents of any condominium associations, or sole owners of condominiums, lessees, and the tenants of record for:

a. The property at which site rehabilitation is being conducted, if different from the person responsible for site rehabilitation;

b. Any properties within a 500-foot radius of each sampling point at which contamination is discovered, if site rehabilitation was initiated pursuant to s. 376.30701 or an administrative or court order; and

c. Any properties within a 250-foot radius of each sampling point at which contamination is discovered or any properties identified on a contaminant plume map provided pursuant to subparagraph (2)(b)4. if site rehabilitation was initiated pursuant to s. 376.3071(5), s. 376.3078(4), or s. 376.81, or at, or in connection with, a permitted solid waste management facility subject to a groundwater monitoring plan.

(b) The notice provided to:

1. Local government officials shall be mailed by certified mail, return receipt requested, and must advise the local government of its responsibilities under subsection (4).

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

(c) Within 30 days after receiving the *initial* ~~actual~~ notice required *under* ~~pursuant to~~ subsection (2), ~~or within 30 days of the effective date of this act if the department already possesses information equivalent to that required by the notice,~~ the department shall *verify that the person responsible for site rehabilitation has complied with the notice requirements of this section* ~~send a copy of such notice, or an equivalent notification, to all record owners of any real property, other than the property at which site rehabilitation was initiated pursuant to s. 376.3071(5), s. 376.3078(4), s. 376.81, or s. 376.30701, at which contamination has been discovered~~*. If the person responsible for site rehabilitation has not complied with the notice requirements, the department may pursue enforcement as provided under this chapter and chapter 403.*

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

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

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

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

district in which the property is located and direct the superintendent to provide actual notice annually to the principal of the school.

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

(4) LOCAL GOVERNMENT'S NOTICE RESPONSIBILITIES.—If contact information is available, within 30 days after receiving notice under subsection (3), the local government shall mail a copy of the notice to the president or equivalent officer of each homeowners' association or neighborhood association within the potentially affected area described in subsection (3).

(5) RECOVERY OF NOTIFICATION COSTS.—The department and the local government shall recover the costs of postage, materials, and labor associated with providing notification from the responsible party, unless site rehabilitation is eligible for state-funded cleanup pursuant to the risk-based corrective action provisions found in s. 376.3071(5) or s. 376.3078(4).

(6)~~(4)~~ RULEMAKING AUTHORITY.—The department shall adopt rules and forms ~~pursuant to ss. 120.536(1) and 120.54~~ to *administer* ~~implement~~ the requirements of this section.

Section 2. *The Legislature finds that this act fulfills an important state interest.*

And the title is amended as follows:

Delete line 2 and insert: An act relating to contamination; amending s. 376.30702, F.S.; revising contamination notification provisions; requiring individuals responsible for site rehabilitation to provide notice of site rehabilitation to specified entities; revising provisions relating to the content of such notice; requiring the Department of Environmental Protection to provide notice of site rehabilitation to specified entities and certain property owners; providing an exemption; requiring the department to verify compliance with notice requirements; authorizing the department to pursue enforcement measures for noncompliance with notice requirements; revising the department's contamination notification requirements for certain public schools; requiring the department to provide specified notice to private K-12 schools and child care facilities; requiring the department to provide specified notice to public schools within a specified area; providing notice requirements, including directives to extend such notice to certain other persons; requiring local governments to provide specified notice of site rehabilitation; authorizing the local government and the department to recover notification costs from responsible parties; providing a statement of important state interest; amending s. 403.708, F.S.;

Senator Gaetz moved the following amendment which failed to receive the required two-thirds vote:

Amendment 3 (213666) (with title amendment)—Between lines 41 and 42 insert:

Section 2. Subsection (9) is added to section 288.9015, Florida Statutes, to read:

288.9015 Enterprise Florida, Inc.; purpose; duties.—

(9) Enterprise Florida, Inc., shall provide technical assistance to the Department of Environmental Protection in the creation of the Recycling Business Assistance Center pursuant to s. 403.7032(5). As the state's primary organization devoted to statewide economic development, Enterprise Florida, Inc., is encouraged to cooperate with the Department of Environmental Protection to ensure that the Recycling Business Assistance Center is positioned to succeed in helping to enhance and expand existing markets for recyclable materials in this state, other states, and foreign countries.

Section 3. Paragraph (a) of subsection (19) of section 373.414, Florida Statutes, is amended to read:

373.414 Additional criteria for activities in surface waters and wetlands.—

(19)(a) Financial responsibility for mitigation for wetlands and other surface waters required by a permit issued pursuant to this part for activities associated with the extraction of *limestone and* phosphate are subject to approval by the department as part of permit application review. Financial responsibility for permitted activities which will occur over a period of 3 years or less of mining operations must be provided to the department prior to the commencement of mining operations and shall be in an amount equal to 110 percent of the estimated mitigation costs for wetlands and other surface waters affected under the permit. For permitted activities which will occur over a period of more than 3 years of mining operations, the initial financial responsibility demonstration shall be in an amount equal to 110 percent of the estimated mitigation costs for wetlands and other surface waters affected in the first 3 years of operation under the permit; and, for each year thereafter, the financial responsibility demonstration shall be updated, including to provide an amount equal to 110 percent of the estimated mitigation costs for the next year of operations under the permit for which financial responsibility has not already been demonstrated and to release portions of the financial responsibility mechanisms in accordance with applicable rules.

Section 4. Subsection (2) of section 378.901, Florida Statutes, is amended to read:

378.901 Life-of-the-mine permit.—

(2) As an alternative to, and in lieu of, separate applications for permits required by part IV of chapter 373 and part IV of this chapter, *any* ~~each~~ operator who *mines or extracts or* proposes to mine or extract heavy minerals*, limestone,* or fuller's earth clay may apply to the bureau for a life-of-the-mine permit. *Nothing in this subsection limits or restricts the authority of a local government to approve, approve with conditions, deny, or impose a permit duration different from the duration of a permit issued pursuant to this section.*

Section 5. Subsections (5) through (8) of section 403.44, Florida Statutes, are renumbered as subsections (3) through (6), respectively, and present subsections (3) and (4) of that section are amended to read:

403.44 Florida Climate Protection Act.—

~~(3) A major emitter shall be required to use The Climate Registry for purposes of emission registration and reporting.~~

~~(4) The department shall establish the methodologies, reporting periods, and reporting systems that shall be used when major emitters report to The Climate Registry. The department may require the use of quality assured data from continuous emissions monitoring systems.~~

Section 6. Section 403.7032, Florida Statutes, is amended to read:

403.7032 Recycling.—

(1) The Legislature finds that the failure or inability to economically recover material and energy resources from solid waste results in the unnecessary waste and depletion of our natural resources. As the state continues to grow, so will the potential amount of discarded material that must be treated and disposed of, necessitating the improvement of solid waste collection and disposal. Therefore, the maximum recycling and reuse of such resources are considered high-priority goals of the state.

(2) By the year 2020, the long-term goal for the recycling efforts of state and local governmental entities, private companies and organizations, and the general public is to *recycle at least 75 percent of the municipal solid waste that would otherwise be* ~~reduce the amount of recyclable solid waste~~ disposed of in waste management facilities, landfills, or incineration facilities ~~by a statewide average of at least 75 percent~~. However, any solid waste used for the production of renewable energy shall count toward the long-term recycling goal as set forth in this *part* ~~section~~.

(3) All state agencies, K-12 public schools, public institutions of higher learning, community colleges, and state universities, all municipal, county, or other state entities whose employees occupy buildings not owned by the municipality, county, or state, and all entities occupying

buildings that are managed by the Department of Management Services must, at a minimum, annually report all recycled materials to the county using the department's designated reporting format. This subsection does not apply to a fiscally constrained county, as defined in s. 218.67(1), or to a municipality of special financial concern, as defined in s. 200.185(1)(b), with a per capita taxable value of assessed property that does not exceed $58,000 or to any municipality with a population under 20,000 and a per capita taxable value of assessed property that does not exceed $48,000. Private businesses, other than certified recovered materials dealers, that recycle paper, metals, glass, plastics, textiles, rubber materials, and mulch are encouraged to annually report the amount of materials they recycle to the county beginning January 1, 2011, using the department's designated reporting format. Using the information provided, the department shall recognize those private businesses that demonstrate outstanding recycling efforts. Notwithstanding any other provision of state or local law, private businesses, other than certified recovered materials dealers, are not required to report recycling rates.

(4)~~(3)~~ The Department of Environmental Protection shall develop a comprehensive recycling program that is designed to achieve the percentage under subsection (2) and submit the program to the President of the Senate and the Speaker of the House of Representatives by January 1, 2010. The program may not be implemented until approved by the Legislature. The program must be developed in coordination with input from state and local entities, private businesses, and the public. Under the program, recyclable materials shall include, but are not limited to, metals, paper, glass, plastic, textile, rubber materials, and mulch. Components of the program shall include, but are not limited to:

(a) Programs to identify environmentally preferable purchasing practices to encourage the purchase of recycled, durable, and less toxic goods. *The Department of Management Services shall modify its procurement system to report on green and recycled products purchased through the system by September 30, 2011.*

(b) Programs to educate students in grades K-12 in the benefits of, and proper techniques for, recycling.

(c) Programs for statewide recognition of successful recycling efforts by schools, businesses, public groups, and private citizens.

(d) Programs for municipalities and counties to develop and implement efficient recycling efforts to return valuable materials to productive use, conserve energy, and protect natural resources.

(e) Programs by which the department can provide technical assistance to municipalities and counties in support of their recycling efforts.

(f) Programs to educate and train the public in proper recycling efforts.

(g) Evaluation of how financial assistance can best be provided to municipalities and counties in support of their recycling efforts.

(h) Evaluation of why existing waste management and recycling programs in the state have not been better used.

(5) The Department of Environmental Protection shall create the Recycling Business Assistance Center by December 1, 2010. In carrying out its duties under this subsection, the department shall consult with state agency personnel appointed to serve as economic development liaisons under s. 288.021 and seek technical assistance from Enterprise Florida, Inc., to ensure the Recycling Business Assistance Center is positioned to succeed. The purpose of the center shall be to serve as the mechanism for coordination among state agencies and the private sector in order to coordinate policy and overall strategic planning for developing new markets and expanding and enhancing existing markets for recyclable materials in this state, other states, and foreign countries. The duties of the center must include, at a minimum:

(a) Identifying and developing new markets and expanding and enhancing existing markets for recyclable materials.

(b) Pursuing expanded end uses for recycled materials.

(c) Targeting materials for concentrated market-development efforts.

(d) Developing proposals for new incentives for market development, particularly focusing on targeted materials.

(e) Providing guidance on issues such as permitting, finance options for recycling market development, site location, research and development, grant program criteria for recycled materials markets, recycling markets education and information, and minimum content.

(f) Coordinating the efforts of various governmental entities having market-development responsibilities in order to optimize supply and demand for recyclable materials.

(g) Evaluating source-reduced products as they relate to state procurement policy. The evaluation shall include, but is not limited to, the environmental and economic impact of source-reduced product purchases to the state. For the purposes of this paragraph, the term "source-reduced" means any method, process, product, or technology that significantly or substantially reduces the volume or weight of a product while providing, at a minimum, equivalent or generally similar performance and service to and for the users of such materials.

(h) Providing evaluation of solid waste management grants, pursuant to s. 403.7095, to reduce the flow of solid waste to disposal facilities and encourage the sustainable recovery of materials from Florida's waste stream.

(i) Providing below-market financing for companies that manufacture products from recycled materials or convert recyclable materials into raw materials for use in manufacturing pursuant to the Florida Recycling Loan Program as administered by the Florida First Capital Finance Corporation.

(j) Maintaining a continuously updated online directory listing the public and private entities that collect, transport, broker, process, or remanufacture recyclable materials in the state.

(k) Providing information on the availability and benefits of using recycled materials to private entities and industries in the state.

(l) Distributing any materials prepared in implementing this subsection to the public, private entities, industries, governmental entities, or other organizations upon request.

(m) Coordinating with the Agency for Workforce Innovation and its partners to provide job-placement and job-training services to job seekers through the state's workforce services programs.

Section 7. Subsection (1) of section 403.7046, Florida Statutes, is amended to read:

403.7046 Regulation of recovered materials.—

(1) Any person who handles, purchases, receives, recovers, sells, or is an end user of recovered materials shall annually certify to the department on forms provided by the department. The department may by rule exempt from this requirement generators of recovered materials; persons who handle or sell recovered materials as an activity which is incidental to the normal primary business activities of that person; or persons who handle, purchase, receive, recover, sell, or are end users of recovered materials in small quantities as defined by the department. The department shall adopt rules for the certification of and reporting by such persons and shall establish criteria for revocation of such certification. ~~Prior to the adoption of such rules, the department shall appoint a technical advisory committee of no more than nine persons, including, at a minimum, representatives of the Florida Association of Counties, the Florida League of Cities, the Florida Recyclers Association, and the Florida Chapter of the National Solid Waste Management Association, to aid in the development of such rules.~~ Such rules shall be designed to elicit, at a minimum, the amount and types of recovered materials handled by registrants, and the amount and disposal site, or name of person with whom such disposal was arranged, of any solid waste generated by such facility. *By February 1 of each year, registrants shall report all required information to the department and to all counties from which it received materials.* Such rules may provide for the department to conduct periodic inspections. The department may charge a fee of up to $50 for each registration, which shall be deposited into the Solid Waste Management Trust Fund for implementation of the program.

Section 8. Subsection (5) of section 403.7049, Florida Statutes, is amended to read:

403.7049 Determination of full cost for solid waste management; local solid waste management fees.—

(5) In order to assist in achieving the municipal solid waste reduction goal and the recycling provisions of *s. 403.706(2)* ~~s. 403.706(4)~~, a county or a municipality which owns or operates a solid waste management facility is hereby authorized to charge solid waste disposal fees which may vary based on a number of factors, including, but not limited to, the amount, characteristics, and form of recyclable materials present in the solid waste that is brought to the county's or the municipality's facility for processing or disposal.

Section 9. Paragraph (c) of subsection (2) and subsection (3) of section 403.705, Florida Statutes, are amended, and subsection (4) is added to that section, to read:

403.705 State solid waste management program.—

(2) The state solid waste management program shall include, at a minimum:

(c) Planning guidelines and technical assistance to counties and municipalities to aid in meeting the municipal solid waste *recycling* ~~reduction~~ goals established in *s. 403.706(2)* ~~s. 403.706(4)~~.

(3) The department shall ~~periodically seek information from counties to~~ evaluate and report *biennially to the President of the Senate and the Speaker of the House of Representatives* on the *state's* success in meeting the solid waste *recycling* ~~reduction~~ goal *as described in s. 403.706(2)*.

(4) The department shall adopt rules creating a voluntary certification program for materials recovery facilities. The certification criteria shall be based upon the amount and type of materials recycled and the compliance record of the facility and may vary depending on the location in the state and the available markets for the materials that are processed. Any materials recovery facility seeking certification shall file an application to modify its permit, or shall include a certification application as part of its original permit application, which application shall not require an additional fee. The department shall adopt a form for certification applications, and shall require at least annual reports to verify the continued qualification for certification. In order to assist in the development of the certification program, the department shall appoint a technical advisory committee.

Section 10. Subsections (2), (4), (6), (7), and (21) of section 403.706, Florida Statutes, are amended to read:

403.706 Local government solid waste responsibilities.—

(2)(a) Each county shall implement a recyclable materials recycling program *that shall have a goal of recycling recyclable solid waste by 40 percent by December 31, 2012, 50 percent by December 31, 2014, 60 percent by December 31, 2016, 70 percent by December 31, 2018, and 75 percent by December 31, 2020*. Counties and municipalities are encouraged to form cooperative arrangements for implementing recycling programs.

(b) In order to assist counties in attaining the goals set forth in paragraph (a), the Legislature finds that the recycling of construction and demolition debris fulfills an important state interest. Therefore, each county must implement a program for recycling construction and demolition debris.

(c) In accordance with applicable local government ordinances, newly developed property receiving a certificate of occupancy, or its equivalent, on or after July 1, 2012, that is used for multifamily residential or commercial purposes, must provide adequate space and an adequate receptacle for recycling by tenants and owners of the property. This provision is limited to counties and municipalities that have an established residential, including multifamily, or commercial recycling program that provides recycling receptacles to residences and businesses and regular pick-up services for those receptacles.

(d) If, by January 1 of 2013, 2015, 2017, 2019, or 2021, the county, as determined by the department in accordance with applicable rules, has not reached the recycling goals as set forth in paragraph (a), the department may direct the county to develop a plan to expand recycling programs to existing commercial and multifamily dwellings, including, but not limited to, apartment complexes.

(e) If the state's recycling rate for the 2013 calendar year is below 40 percent, below 50 percent by January 1, 2015, below 60 percent by January 1, 2017, below 70 percent by January 1, 2019, or below 75 percent by January 1, 2021, the department shall provide a report to the President of the Senate and the Speaker of the House of Representatives. The report shall identify those additional programs or statutory changes needed to achieve the goals set forth in paragraph (a). The report shall be provided no later than 30 days before the beginning of the Regular Session of the Legislature. The department is not required to provide a report to the Legislature if the state reaches its recycling goals as described in this paragraph.

(f)~~(b)~~ Such programs shall be designed to recover a significant portion of at least four of the following materials from the solid waste stream prior to final disposal at a solid waste disposal facility and to offer these materials for recycling: newspaper, aluminum cans, steel cans, glass, plastic bottles, cardboard, office paper, and yard trash. Local governments which operate permitted waste-to-energy facilities may retrieve ferrous and nonferrous metal as a byproduct of combustion.

(g)~~(c)~~ Local governments are encouraged to separate all plastics, metal, and all grades of paper for recycling prior to final disposal and are further encouraged to recycle yard trash and other mechanically treated solid waste into compost available for agricultural and other acceptable uses.

(h) The department shall adopt rules establishing the method and criteria to be used by a county in calculating the recycling rates pursuant to this subsection.

~~(d) By July 1, 2010, each county shall develop and implement a plan to achieve a goal to compost organic materials that would otherwise be disposed of in a landfill. The goal shall provide that up to 10 percent and no less than 5 percent of organic material would be composted within the county and the municipalities within its boundaries. The department may reduce or modify the compost goal if the county demonstrates to the department that achievement of the goal would be impractical given the county's unique demographic, urban density, or inability to separate normally compostable material from the solid waste stream. The composting plan is encouraged to address partnership with the private sector.~~

(i)~~(e)~~ Each county is encouraged to consider plans for *composting or* mulching organic materials that would otherwise be disposed of in a landfill. The *composting or* mulching plans are encouraged to address partnership with the private sector.

(4)(a) *In order to promote the production of renewable energy from solid waste, each megawatt-hour produced by a renewable energy facility using solid waste as a fuel shall count as 1 ton of recycled material and shall be applied toward meeting the recycling goals set forth in this section. If a county creating renewable energy from solid waste implements and maintains a program to recycle at least 50 percent of municipal solid waste by a means other than creating renewable energy, that county shall count 2 tons of recycled material for each megawatt-hour produced. If waste originates from a county other than the county in which the renewable energy facility resides, the originating county shall receive such recycling credit. Any county that has a debt service payment related to its waste-to-energy facility shall receive 1 ton of recycled materials credit for each ton of solid waste processed at the facility. Any byproduct resulting from the creation of renewable energy does not count as waste.* ~~A county's solid waste management and recycling programs shall be designed to provide for sufficient reduction of the amount of solid waste generated within the county and the municipalities within its boundaries in order to meet goals for the reduction of municipal solid waste prior to the final disposal or the incineration of such waste at a solid waste disposal facility. The goals shall provide, at a minimum, that the amount of municipal solid waste that would be disposed of within the county and the municipalities within its boundaries is reduced by at least 30 percent.~~

(b) A county may receive credit for one-half of the *recycling* goal *set forth in subsection (2)* ~~for waste reduction~~ from the use of yard trash, or other clean wood waste or paper waste, in innovative programs including, but not limited to, programs that produce alternative clean-burning fuels such as ethanol or that provide for the conversion of yard trash or other clean wood waste or paper waste to clean-burning fuel for the production of energy for use at facilities other than a waste-to-energy

facility as defined in s. 403.7061. The provisions of this paragraph apply only if a county can demonstrate that:

1. The county has implemented a yard trash mulching or composting program, and

2. As part of the program, compost and mulch made from yard trash is available to the general public and in use at county-owned or maintained and municipally owned or maintained facilities in the county and state agencies operating in the county as required by this section.

(c) A county with a population of 100,000 or less *or a municipality with a population of 50,000 or less* may provide its residents with the opportunity to recycle in lieu of achieving the goal set forth in *this section* ~~paragraph (a)~~. For the purposes of this *section* ~~subsection~~, the "opportunity to recycle" means that the county:

1.a. Provides a system for separating and collecting recyclable materials prior to disposal that is located at a solid waste management facility or solid waste disposal area; or

b. Provides a system of places within the county for collection of source-separated recyclable materials.

2. Provides a public education and promotion program that is conducted to inform its residents of the opportunity to recycle, encourages source separation of recyclable materials, and promotes the benefits of reducing, reusing, recycling, and composting materials.

(6) The department may reduce or modify the municipal solid waste *recycling* ~~reduction~~ goal that a county is required to achieve pursuant to subsection *(2)* ~~(4)~~ if the county demonstrates to the department that:

(a) The achievement of the goal set forth in subsection *(2)* ~~(4)~~ would have an adverse effect on the financial obligations of a county that are directly related to a waste-to-energy facility owned or operated by or on behalf of the county; and

(b) The county cannot remove normally combustible materials from solid waste that is to be processed at a waste-to-energy facility because of the need to maintain a sufficient amount of solid waste to ensure the financial viability of the facility.

The goal shall not be waived entirely and may only be reduced or modified to the extent necessary to alleviate the adverse effects of achieving the goal on the financial viability of a county's waste-to-energy facility. Nothing in this subsection shall exempt a county from developing and implementing a recycling program pursuant to this act.

(7) In order to assess the progress in meeting the goal *set forth* ~~established~~ in subsection *(2)* ~~(4)~~, each county shall, by *April 1* ~~November~~ each year, provide information to the department regarding its annual solid waste management program and recycling activities.

(a) The information *submitted to the department* by the county must*, at a minimum,* include:

1.~~(a)~~ The amount of municipal solid waste disposed of at solid waste disposal facilities, by type of waste such as yard trash, white goods, clean debris, tires, and unseparated solid waste;

2.~~(b)~~ The amount and type of materials from the municipal solid waste stream that were recycled; and

3.~~(c)~~ The percentage of the population participating in various types of recycling activities instituted.

(b) Beginning with the data for the 2012 calendar year, the department shall by July 1 each year post on its website the recycling rates of each county for the prior calendar year.

(21) Local governments are authorized to enact ordinances that require and direct all residential properties*, multifamily dwellings, and apartment complexes* and industrial, commercial, and institutional establishments as defined by the local government to establish programs for the separation of recyclable materials designated by the local government, which recyclable materials are specifically intended for purposes of recycling and for which a market exists, and to provide for their collection. Such ordinances may include, but are not limited to, provisions that prohibit any person from knowingly disposing of recyclable materials designated by the local government and that ensure the collection of recovered materials as necessary to protect public health and safety.

Section 11. Paragraphs (d) through (i) of subsection (3) of section 403.7061, Florida Statutes, are redesignated as paragraphs (c) through (h), respectively, and present paragraph (c) of that subsection is amended to read:

403.7061 Requirements for review of new waste-to-energy facility capacity by the Department of Environmental Protection.—

(3) An applicant must provide reasonable assurance that the construction of a new waste-to-energy facility or the expansion of an existing waste-to-energy facility will comply with the following criteria:

~~(c) The county in which the facility is located has implemented and maintains a solid waste management and recycling program that is designed to achieve the waste reduction goal set forth in s. 403.706(4). For the purposes of this section, the provisions of s. 403.706(4)(c) for counties having populations of 100,000 or fewer do not apply.~~

Section 12. Subsection (9) of section 403.707, Florida Statutes, is amended to read:

403.707 Permits.—

(9) The department shall establish a separate category for solid waste management facilities that accept only construction and demolition debris for disposal or recycling. The department shall establish a reasonable schedule for existing facilities to comply with this section to avoid undue hardship to such facilities. However, a permitted solid waste disposal unit that receives a significant amount of waste prior to the compliance deadline established in this schedule shall not be required to be retrofitted with liners or leachate control systems.

(a) The department shall establish reasonable construction, operation, monitoring, recordkeeping, financial assurance, and closure requirements for such facilities. The department shall take into account the nature of the waste accepted at various facilities when establishing these requirements, and may impose less stringent requirements, including a system of general permits or registration requirements, for facilities that accept only a segregated waste stream which is expected to pose a minimal risk to the environment and public health, such as clean debris. The Legislature recognizes that incidental amounts of other types of solid waste are commonly generated at construction or demolition projects. In any enforcement action taken pursuant to this section, the department shall consider the difficulty of removing these incidental amounts from the waste stream.

(b) The department shall ~~not~~ require liners and leachate collection systems at individual *disposal units and lateral expansions of existing disposal units that have not received a department permit authorizing construction or operation before July 1, 2010* ~~facilities unless it demonstrates, based upon the types of waste received, the methods for controlling types of waste disposed of, the proximity of groundwater and surface water, and the results of the hydrogeological and geotechnical investigations, that the facility is reasonably expected to result in violations of groundwater standards and criteria otherwise~~.

(c) The owner or operator shall provide financial assurance for closing of the facility in accordance with the requirements of s. 403.7125. The financial assurance shall cover the cost of closing the facility and 5 years of long-term care after closing, unless the department determines, based upon hydrogeologic conditions, the types of wastes received, or the groundwater monitoring results, that a different long-term care period is appropriate. However, unless the owner or operator of the facility is a local government, the escrow account described in s. 403.7125(2) may not be used as a financial assurance mechanism.

(d) The department shall establish training requirements for operators of facilities, and shall work with the State University System or other providers to assure that adequate training courses are available. The department shall also assist the Florida Home Builders Association in establishing a component of its continuing education program to address proper handling of construction and demolition debris, including

best management practices for reducing contamination of the construction and demolition debris waste stream.

(e) The issuance of a permit under this subsection does not obviate the need to comply with all applicable zoning and land use regulations.

(f) A permit is not required under this section for the disposal of construction and demolition debris on the property where it is generated, but such property must be covered, graded, and vegetated as necessary when disposal is complete.

(g) *By January 1, 2012, the amount of construction and demolition debris processed and recycled before disposal at a permitted materials recovery facility or at any other permitted disposal facility shall be reported by the county of origin to the department and to the county on an annual basis in accordance with rules adopted by the department. The rules shall establish criteria to ensure accurate and consistent reporting for purposes of determining the recycling rate in s. 403.706 and shall also require that, to the extent economically feasible, all construction and demolition debris must be processed before disposal, either at a permitted materials recovery facility or at a permitted disposal facility. This paragraph does not apply to recovered materials, any materials that have been source separated and offered for recycling, or materials that have been previously processed.* ~~It is the policy of the Legislature to encourage facilities to recycle. The department shall establish criteria and guidelines that encourage recycling where practical and provide for the use of recycled materials in a manner that protects the public health and the environment. Facilities are authorized to recycle, provided such activities do not conflict with such criteria and guidelines.~~

(h) The department shall ensure that the requirements of this section are applied and interpreted consistently throughout the state. In accordance with s. 20.255, the Division of Waste Management shall direct the district offices and bureaus on matters relating to the interpretation and applicability of this section.

(i) The department shall provide notice of receipt of a permit application for the initial construction of a construction and demolition debris disposal facility to the local governments having jurisdiction where the facility is to be located.

(j) The Legislature recognizes that recycling, waste reduction, and resource recovery are important aspects of an integrated solid waste management program and as such are necessary to protect the public health and the environment. If necessary to promote such an integrated program, the county may determine, after providing notice and an opportunity for a hearing prior to April 30, 2008, that some or all of the material described in s. 403.703(6)(b) shall be excluded from the definition of "construction and demolition debris" in s. 403.703(6) within the jurisdiction of such county. The county may make such a determination only if it finds that, prior to June 1, 2007, the county has established an adequate method for the use or recycling of such wood material at an existing or proposed solid waste management facility that is permitted or authorized by the department on June 1, 2007. The county is not required to hold a hearing if the county represents that it previously has held a hearing for such purpose, or if the county represents that it previously has held a public meeting or hearing that authorized such method for the use or recycling of trash or other nonputrescible waste materials and that such materials include those materials described in s. 403.703(6)(b). The county shall provide written notice of its determination to the department by no later than April 30, 2008; thereafter, the materials described in s. 403.703(6) shall be excluded from the definition of "construction and demolition debris" in s. 403.703(6) within the jurisdiction of such county. The county may withdraw or revoke its determination at any time by providing written notice to the department.

(k) Brazilian pepper and other invasive exotic plant species as designated by the department resulting from eradication projects may be processed at permitted construction and demolition debris recycling facilities or disposed of at permitted construction and demolition debris disposal facilities or Class III facilities. The department may adopt rules to implement this paragraph.

Section 13. Paragraph (c) of subsection (12) of section 403.708, Florida Statutes, is amended to read:

403.708 Prohibition; penalty.—

(12) A person who knows or should know of the nature of the following types of solid waste may not dispose of such solid waste in landfills:

(c)*1.* Yard trash in lined landfills classified by department rule as Class I landfills*, unless the Class I landfill uses an active gas-collection system to collect landfill gas generated at the disposal facility and provides or arranges for a beneficial use of the gas. A Class I landfill may also accept yard trash for the purpose of mulching and using the yard trash to provide landfill cover for municipal solid waste disposed at the landfill. The department shall, by rule, develop and adopt a methodology to award recycling credit for the use or disposal of yard trash at a Class I landfill having a gas-collection system that makes beneficial use of the collected landfill gas. A qualifying permitted Class I landfill must obtain a minor permit modification to its operating permit which describes the beneficial use being made of the landfill gas and modifies the facility's operation plan before receiving yard trash as authorized under this subparagraph. The permittee must certify that gas collection and beneficial use will continue after closure of the disposal facility that is accepting yard trash. If the landfill is located in a county that owns and operates a compost facility, waste-to-energy facility, or biomass facility that sells renewable energy to a public utility and that is authorized to accept yard trash, the department shall provide the county with notice of, and opportunity to comment on, the application for permit modification.*

2. Yard trash that is source separated from solid waste may be accepted at a solid waste disposal area *if* ~~where~~ separate yard trash composting facilities are provided and maintained. The department recognizes that incidental amounts of yard trash may be disposed of in Class I landfills. In any enforcement action taken pursuant to this paragraph, the department shall consider the difficulty of removing incidental amounts of yard trash from a mixed solid waste stream. *This limited exception applies in all units of local government, including, but not limited to, municipalities, counties, and special districts. However, the exception does not apply to a county that currently operates under a constitutional home rule charter authorized in 1956 in a statewide referendum. The limited exception to the ban on disposing of yard trash in a Class I landfill is not intended to have a material impact on current operations at existing waste-to-energy or biomass facilities.*

Section 14. Paragraph (e) of subsection (1) of section 403.709, Florida Statutes, is amended to read:

403.709 Solid Waste Management Trust Fund; use of waste tire fees.—There is created the Solid Waste Management Trust Fund, to be administered by the department.

(1) From the annual revenues deposited in the trust fund, unless otherwise specified in the General Appropriations Act:

(e) A minimum of 40 percent shall be used for funding a-*solid waste management* ~~competitive and innovative~~ grant program pursuant to s. 403.7095 for activities relating to recycling and waste reduction, including waste tires requiring final disposal.

Section 15. Section 403.7095, Florida Statutes, is amended to read:

403.7095 Solid waste management grant program.—

~~(1) The department shall develop a competitive and innovative grant program for counties, municipalities, special districts, and nonprofit organizations that have legal responsibility for the provision of solid waste management services. For purposes of this program, "innovative" means that the process, technology, or activity for which funding is sought has not previously been implemented within the jurisdiction of the applicant. The applicant must:~~

~~(a) Demonstrate technologies or processes that represent a novel application of an existing technology or process to recycle or reduce waste, or that overcome obstacles to recycling or waste reduction in new or innovative ways;~~

~~(b) Demonstrate innovative processes to collect and recycle or reduce materials targeted by the department and the recycling industry; or~~

~~(c) Demonstrate effective solutions to solving solid waste problems resulting from waste tires, particularly in the areas of enforcement and abatement of illegal tire dumping and activities to promote market development of waste tire products.~~

~~Because the Legislature recognizes that input from the recycling industry is essential to the success of this grant program, the department shall cooperate with private sector entities to develop a process and define specific criteria for allowing their participation with grant recipients.~~

~~(2) The department shall evaluate and prioritize the annual grant proposals and present the annual prioritized list of projects to be funded to the Governor and the Legislature as part of its annual budget request submitted pursuant to chapter 216. Potential grant recipients are encouraged to demonstrate local support for grant proposals by the commitment of cash or in kind matching funds.~~

(1)~~(3)~~ The department shall develop a consolidated grant program for small counties having populations fewer than 100,000, with grants to be distributed equally among eligible counties. Programs to be supported with the small-county consolidated grants include general solid waste management, litter prevention and control, and recycling and education programs.

(2)~~(4)~~ The department shall develop a waste tire grant program making grants available to all counties. The department shall ensure that at least 25 percent of the funding available for waste tire grants is distributed equally to each county having a population fewer than 100,000. Of the remaining funds distributed to counties having a population of 100,000 or greater, the department shall distribute those funds on the basis of population.

(3)~~(5)~~ From the funds made available pursuant to s. 403.709(1)(e) for the grant program created by this section, the following distributions shall be made:

~~(a) Up to 15 percent for the program described in subsection (1);~~

(a)~~(b)~~ Up to *50* ~~35~~ percent for the program described in subsection *(1)* ~~(3)~~; and

(b)~~(c)~~ Up to 50 percent for the program described in subsection *(2)* ~~(4)~~.

(4)~~(6)~~ The department may adopt rules necessary to administer this section, including, but not limited to, rules governing timeframes for submitting grant applications, criteria for prioritizing, matching criteria, maximum grant amounts, and allocation of appropriated funds based upon project and applicant size.

~~(7) Notwithstanding any provision of this section to the contrary, and for the 2009-2010 fiscal year only, the Department of Environmental Protection shall award the sum of $2,600,000 in grants equally to counties having populations of fewer than 100,000 for waste tire and litter prevention, recycling education, and general solid waste programs. This subsection expires July 1, 2010.~~

~~(8)(a) Notwithstanding any provision of this section to the contrary, and for the 2008-2009 fiscal year only, the Department of Environmental Protection shall award:~~

~~1. The sum of $9,428,773 in grants equally to counties having populations of fewer than 100,000 for waste tire and litter prevention, recycling education, and general solid waste programs.~~

~~2. The sum of $2,000,781 to be used for the Innovative Grant Program.~~

~~(b) This subsection expires July 1, 2009.~~

Section 16. Subsection (1) of section 403.7145, Florida Statutes, is amended, and subsection (3) is added to that section, to read:

403.7145 Recycling.—

(1) The Capitol and the House and Senate office buildings constitute the Capitol recycling area. The Florida House of Representatives, the Florida Senate, and the Office of the Governor, the Secretary of State, and each Cabinet officer who heads a department that occupies office space in the Capitol, shall institute a recycling program for their respective offices in the House and Senate office buildings and the Capitol. Provisions shall be made to collect and sell wastepaper and empty ~~aluminum~~ beverage *containers* ~~cans~~ generated by employee activities in these offices. The collection and sale of such materials shall be *reported to Leon County using the department's designated reporting format and* coordinated with Department of Management Services recycling activities to maximize the efficiency and economy of this program. The Governor, the Speaker of the House of Representatives, the President of the Senate, the Secretary of State, and the Cabinet officers may authorize the use of proceeds from recyclable material sales for employee benefits and other purposes, in order to provide incentives to their respective employees for participation in the recycling program. Such proceeds may also be used to offset any costs of the recycling program. *As a demonstration of leading by example, the Capitol Building's recycling rates shall be posted on the website of the Department of Management Services and shall include the details of the recycling rates for each Department of Management Services pool facility. The Department of Environmental Protection shall post recycling rates of each state-owned facility reported to the Department of Management Services.*

(3) The project shall be designed to collect recyclable materials and create a more sustainable recycling system. Components of the project shall be designed to increase convenience, incentivize and measure participation, reduce material volume, and assist in achieving the recycling goals enumerated in s. 403.706.

Section 17. Paragraph (m) is added to subsection (1) of section 553.77, Florida Statutes, to read:

553.77 Specific powers of the commission.—

(1) The commission shall:

(m) Develop recommendations that increase residential and commercial recycling and composting and strongly encourage the use of recyclable materials and the recycling of construction and demolition debris.

Section 18. Subsections (1), (2), and (3) of section 220.1845, Florida Statutes, are renumbered as subsections (2), (3), and (4), respectively, and a new subsection (1) is added to that section to read:

220.1845 Contaminated site rehabilitation tax credit.—

(1) APPLICATION FOR TAX CREDIT.—A site rehabilitation application must be received by the Division of Waste Management of the Department of Environmental Protection by January 31 of the year after the calendar year for which site rehabilitation costs are being claimed in a tax credit application. All site rehabilitation costs claimed must have been for work conducted between January 1 and December 31 of the year for which the application is being submitted. All payment requests must have been received and all costs must have been paid before submittal of the tax credit application, but no later than January 31 of the year after the calendar year for which site rehabilitation costs are being claimed.

Section 19. Paragraph (a) of subsection (5), paragraph (c) of subsection (6), and subsections (9) and (10) of section 376.30781, Florida Statutes, are amended to read:

376.30781 Tax credits for rehabilitation of drycleaning-solvent-contaminated sites and brownfield sites in designated brownfield areas; application process; rulemaking authority; revocation authority.—

(5) To claim the credit for site rehabilitation or solid waste removal, each tax credit applicant must apply to the Department of Environmental Protection for an allocation of the $2 million annual credit by filing a tax credit application with the Division of Waste Management on a form developed by the Department of Environmental Protection in cooperation with the Department of Revenue. The form shall include an affidavit from each tax credit applicant certifying that all information contained in the application, including all records of costs incurred and claimed in the tax credit application, are true and correct. If the application is submitted pursuant to subparagraph (3)(a)2., the form must include an affidavit signed by the real property owner stating that it is not, and has never been, the owner or operator of the drycleaning facility where the contamination exists. Approval of tax credits must be accomplished on a first-come, first-served basis based upon the date and time complete applications are received by the Division of Waste Management, subject to the limitations of subsection (14). To be eligible for a tax credit, the tax credit applicant must:

(a) For site rehabilitation tax credits, have entered into a voluntary cleanup agreement with the Department of Environmental Protection

for a drycleaning-solvent-contaminated site or a Brownfield Site Rehabilitation Agreement, as applicable, and have paid all deductibles pursuant to s. 376.3078(3)(e) for eligible drycleaning-solvent-cleanup program sites, as applicable. A site rehabilitation tax credit applicant must submit only a single completed application per site for each calendar year's site rehabilitation costs. A site rehabilitation application must be received by the Division of Waste Management of the Department of Environmental Protection by January 31 of the year after the calendar year for which site rehabilitation costs are being claimed in a tax credit application. *All site rehabilitation costs claimed must have been for work conducted between January 1 and December 31 of the year for which the application is being submitted. All payment requests must have been received and all costs must have been paid before submittal of the tax credit application, but no later than January 31 of the year after the calendar year for which site rehabilitation costs are being claimed.*

(6) To obtain the tax credit certificate, the tax credit applicant must provide all pertinent information requested on the tax credit application form, including, at a minimum, the name and address of the tax credit applicant and the address and tracking identification number of the eligible site. Along with the tax credit application form, the tax credit applicant must submit the following:

(c) Proof that the documentation submitted pursuant to paragraph (b) has been reviewed and verified by an independent certified public accountant in accordance with standards established by the American Institute of Certified Public Accountants. Specifically, a certified public accountant's report must be submitted and the certified public accountant must attest to the accuracy and validity of the costs *claimed* ~~incurred and paid during the time period covered~~ in the application by conducting an independent review of the data presented by the tax credit applicant. Accuracy and validity of costs incurred and paid shall be determined after the level of effort is certified by an appropriate professional registered in this state in each contributing technical discipline. The certified public accountant's report must also attest that the costs included in the application form are not duplicated within the application*, that all payment requests were received and all costs were paid before submittal of the tax credit application, and, for site rehabilitation tax credits, that all costs claimed are for work conducted between January 1 and December 31 of the year for which the application is being submitted*. A copy of the accountant's report shall be submitted to the Department of Environmental Protection in addition to the accountant's certification form in the tax credit application; and

(9) On or before May 1, the Department of Environmental Protection shall inform each tax credit applicant that is subject to the January 31 annual application deadline of the applicant's eligibility status and the amount of any tax credit due. The department shall provide each eligible tax credit applicant with a tax credit certificate that must be submitted with its tax return to the Department of Revenue to claim the tax credit or be transferred pursuant to *s. 220.1845(2)(g)* ~~s. 220.1845(1)(g)~~. The May 1 deadline for annual site rehabilitation tax credit certificate awards shall not apply to any tax credit application for which the department has issued a notice of deficiency pursuant to subsection (8). The department shall respond within 90 days after receiving a response from the tax credit applicant to such a notice of deficiency. Credits may not result in the payment of refunds if total credits exceed the amount of tax owed.

(10) For solid waste removal, new health care facility or health care provider, and affordable housing tax credit applications, the Department of Environmental Protection shall inform the applicant of the department's determination within 90 days after the application is deemed complete. Each eligible tax credit applicant shall be informed of the amount of its tax credit and provided with a tax credit certificate that must be submitted with its tax return to the Department of Revenue to claim the tax credit or be transferred pursuant to *s. 220.1845(2)(g)* ~~s. 220.1845(1)(g)~~. Credits may not result in the payment of refunds if total credits exceed the amount of tax owed.

Section 20. Section 376.85, Florida Statutes, is amended to read:

376.85 Annual report.—The Department of Environmental Protection shall prepare *and submit* ~~an annual report~~ to the *President of the Senate and the Speaker of the House of Representatives by August 1 of each year a report that includes* ~~Legislature, beginning in December 1998, which shall include~~, but *is* not ~~be~~ limited to*,* the number, size, and locations of brownfield sites: that have been remediated under the provisions of this act*,*~~;~~ that are currently under rehabilitation pursuant to a negotiated site rehabilitation agreement with the department or a delegated local program*,*~~;~~ where alternative cleanup target levels have been established pursuant to s. 376.81(1)(g)3.*,*~~;~~ and~~,~~ where engineering and institutional control strategies are being employed as conditions of a "no further action order" to maintain the protections provided in s. 376.81(1)(g)1. and 2.

Section 21. Section 403.973, Florida Statutes, is amended to read:

403.973 Expedited permitting; *amendments to* comprehensive *plans* ~~plan amendments~~.—

(1) It is the intent of the Legislature to encourage and facilitate the location and expansion of those types of economic development projects which offer job creation and high wages, strengthen and diversify the state's economy, and have been thoughtfully planned to take into consideration the protection of the state's environment. It is also the intent of the Legislature to provide for an expedited permitting and comprehensive plan amendment process for such projects.

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

(a) "Duly noticed" means publication in a newspaper of general circulation in the municipality or county with jurisdiction. The notice shall appear on at least 2 separate days, one of which shall be at least 7 days before the meeting. The notice shall state the date, time, and place of the meeting scheduled to discuss or enact the memorandum of agreement, and the places within the municipality or county where such proposed memorandum of agreement may be inspected by the public. The notice must be one-eighth of a page in size and must be published in a portion of the paper other than the legal notices section. The notice shall also advise that interested parties may appear at the meeting and be heard with respect to the memorandum of agreement.

(b) "Jobs" means permanent, full-time equivalent positions not including construction jobs.

(c) "Office" means the Office of Tourism, Trade, and Economic Development.

(d) "Permit applications" means state permits and licenses, and at the option of a participating local government, local development permits or orders.

(e) "Secretary" means the Secretary of Environmental Protection or his or her designee.

(3)(a) The *secretary* ~~Governor, through the office,~~ shall direct the creation of regional permit action teams~~,~~ for the purpose of expediting review of permit applications and local comprehensive plan amendments submitted by:

1. Businesses creating at least *50* ~~100~~ jobs*,*~~;~~ or

2. Businesses creating at least *25* ~~50~~ jobs if the project is located in an enterprise zone, or in a county having a population of *fewer* ~~less~~ than 75,000 or in a county having a population of *fewer* ~~less~~ than *125,000* ~~100,000~~ which is contiguous to a county having a population of *fewer* ~~less~~ than 75,000, as determined by the most recent decennial census, residing in incorporated and unincorporated areas of the county.~~, or~~

(b) On a case-by-case basis and at the request of a county or municipal government, the office may certify as eligible for expedited review a project not meeting the minimum job creation thresholds but creating a minimum of 10 jobs. The recommendation from the governing body of the county or municipality in which the project may be located is required in order for the office to certify that any project is eligible for expedited review under this paragraph. When considering projects that do not meet the minimum job creation thresholds but that are recommended by the governing body in which the project may be located, the office shall consider economic impact factors that include, but are not limited to:

1. The proposed wage and skill levels relative to those existing in the area in which the project may be located;

2. The project's potential to diversify and strengthen the area's economy;

3. The amount of capital investment; and

4. The number of jobs that will be made available for persons served by the welfare transition program.

(c) At the request of a county or municipal government, the office or a Quick Permitting County may certify projects located in counties where the ratio of new jobs per participant in the welfare transition program, as determined by Workforce Florida, Inc., is less than one or otherwise critical, as eligible for the expedited permitting process. Such projects must meet the numerical job creation criteria of this subsection, but the jobs created by the project do not have to be high-wage jobs that diversify the state's economy.

(d) Projects located in a designated brownfield area are eligible for the expedited permitting process.

(e) Projects that are part of the state-of-the-art biomedical research institution and campus to be established in this state by the grantee under s. 288.955 are eligible for the expedited permitting process, if the projects are designated as part of the institution or campus by the board of county commissioners of the county in which the institution and campus are established.

(f) Projects resulting in the production of biofuels cultivated on lands that are 1,000 acres or more or in the construction of a biofuel or biodiesel processing facility or a facility generating renewable energy, as defined in s. 366.91(2)(d), are eligible for the expedited permitting process.

(4) The regional teams shall be established through the execution of memoranda of agreement *developed by the applicant and the secretary, with input solicited from* ~~between~~ the office and the respective heads of ~~the Department of Environmental Protection,~~ the Department of Community Affairs, the Department of Transportation and its district offices, the Department of Agriculture and Consumer Services, the Fish and Wildlife Conservation Commission, appropriate regional planning councils, appropriate water management districts, and voluntarily participating municipalities and counties. The memoranda of agreement should also accommodate participation in this expedited process by other local governments and federal agencies as circumstances warrant.

(5) In order to facilitate local government's option to participate in this expedited review process, the *secretary* ~~office~~ shall, in cooperation with local governments and participating state agencies, create a standard form memorandum of agreement. A local government shall hold a duly noticed public workshop to review and explain to the public the expedited permitting process and the terms and conditions of the standard form memorandum of agreement.

(6) The local government shall hold a duly noticed public hearing to execute a memorandum of agreement for each qualified project. Notwithstanding any other provision of law, and at the option of the local government, the workshop provided for in subsection (5) may be conducted on the same date as the public hearing held under this subsection. The memorandum of agreement that a local government signs shall include a provision identifying necessary local government procedures and time limits that will be modified to allow for the local government decision on the project within 90 days. The memorandum of agreement applies to projects, on a case-by-case basis, that qualify for special review and approval as specified in this section. The memorandum of agreement must make it clear that this expedited permitting and review process does not modify, qualify, or otherwise alter existing local government nonprocedural standards for permit applications, unless expressly authorized by law.

(7) ~~At the option of the participating local government,~~ Appeals of *local government comprehensive plan approvals* ~~its final approval~~ for a project *shall* ~~may~~ be pursuant to the summary hearing provisions of s. 120.574, pursuant to subsection (14), *and consolidated with the challenge of any applicable state agency actions* ~~or pursuant to other appellate processes available to the local government. The local government's decision to enter into a summary hearing must be made as provided in s. 120.574 or in the memorandum of agreement~~.

(8) Each memorandum of agreement shall include a process for final agency action on permit applications and local comprehensive plan amendment approvals within 90 days after receipt of a completed application, unless the applicant agrees to a longer time period or the *secretary* ~~office~~ determines that unforeseen or uncontrollable circumstances preclude final agency action within the 90-day timeframe. Permit applications governed by federally delegated or approved permitting programs whose requirements would prohibit or be inconsistent with the 90-day timeframe are exempt from this provision, but must be processed by the agency with federally delegated or approved program responsibility as expeditiously as possible.

(9) The *secretary* ~~office~~ shall inform the Legislature by October 1 of each year which agencies have not entered into or implemented an agreement and identify any barriers to achieving success of the program.

(10) The memoranda of agreement may provide for the waiver or modification of procedural rules prescribing forms, fees, procedures, or time limits for the review or processing of permit applications under the jurisdiction of those agencies that are party to the memoranda of agreement. Notwithstanding any other provision of law to the contrary, a memorandum of agreement must to the extent feasible provide for proceedings and hearings otherwise held separately by the parties to the memorandum of agreement to be combined into one proceeding or held jointly and at one location. Such waivers or modifications shall not be available for permit applications governed by federally delegated or approved permitting programs, the requirements of which would prohibit, or be inconsistent with, such a waiver or modification.

(11) The *standard form for* memoranda of agreement shall include guidelines to be used in working with state, regional, and local permitting authorities. Guidelines may include, but are not limited to, the following:

(a) A central contact point for filing permit applications and local comprehensive plan amendments and for obtaining information on permit and local comprehensive plan amendment requirements;

(b) Identification of the individual or individuals within each respective agency who will be responsible for processing the expedited permit application or local comprehensive plan amendment for that agency;

(c) A mandatory preapplication review process to reduce permitting conflicts by providing guidance to applicants regarding the permits needed from each agency and governmental entity, site planning and development, site suitability and limitations, facility design, and steps the applicant can take to ensure expeditious permit application and local comprehensive plan amendment review. As a part of this process, the first interagency meeting to discuss a project shall be held within 14 days after the *secretary's* ~~office's~~ determination that the project is eligible for expedited review. Subsequent interagency meetings may be scheduled to accommodate the needs of participating local governments that are unable to meet public notice requirements for executing a memorandum of agreement within this timeframe. This accommodation may not exceed 45 days from the *secretary's* ~~office's~~ determination that the project is eligible for expedited review;

(d) The preparation of a single coordinated project description form and checklist and an agreement by state and regional agencies to reduce the burden on an applicant to provide duplicate information to multiple agencies;

(e) Establishment of a process for the adoption and review of any comprehensive plan amendment needed by any certified project within 90 days after the submission of an application for a comprehensive plan amendment. However, the memorandum of agreement may not prevent affected persons as defined in s. 163.3184 from appealing or participating in this expedited plan amendment process and any review or appeals of decisions made under this paragraph; and

(f) Additional incentives for an applicant who proposes a project that provides a net ecosystem benefit.

(12) The applicant, the regional permit action team, and participating local governments may agree to incorporate into a single document the permits, licenses, and approvals that are obtained through the expedited permit process. This consolidated permit is subject to the summary hearing provisions set forth in subsection (14).

(13) Notwithstanding any other provisions of law:

(a) Local comprehensive plan amendments for projects qualified under this section are exempt from the twice-a-year limits provision in s. 163.3187; and

(b) Projects qualified under this section are not subject to interstate highway level-of-service standards adopted by the Department of Transportation for concurrency purposes. The memorandum of agreement specified in subsection (5) must include a process by which the applicant will be assessed a fair share of the cost of mitigating the project's significant traffic impacts, as defined in chapter 380 and related rules. The agreement must also specify whether the significant traffic impacts on the interstate system will be mitigated through the implementation of a project or payment of funds to the Department of Transportation. Where funds are paid, the Department of Transportation must include in the 5-year work program transportation projects or project phases, in an amount equal to the funds received, to mitigate the traffic impacts associated with the proposed project.

(14)(a) Challenges to state agency action in the expedited permitting process for projects processed under this section are subject to the summary hearing provisions of s. 120.574, except that the administrative law judge's decision, as provided in s. 120.574(2)(f), shall be in the form of a recommended order and shall not constitute the final action of the state agency. In those proceedings where the action of only one agency of the state *other than the Department of Environmental Protection* is challenged, the agency of the state shall issue the final order within *45* ~~10~~ working days *after* ~~of~~ receipt of the administrative law judge's recommended order*, and the recommended order shall inform the parties of their right to file exceptions or responses to the recommended order in accordance with the uniform rules of procedure pursuant to s. 120.54*. In those proceedings where the actions of more than one agency of the state are challenged, the Governor shall issue the final order within *45* ~~10~~ working days *after* ~~of~~ receipt of the administrative law judge's recommended order*, and the recommended order shall inform the parties of their right to file exceptions or responses to the recommended order in accordance with the uniform rules of procedure pursuant to s. 120.54. This paragraph does not apply to the issuance of department licenses required under any federally delegated or approved permit program. In such instances, the department shall enter the final order.* The participating agencies of the state may opt at the preliminary hearing conference to allow the administrative law judge's decision to constitute the final agency action. If a participating local government agrees to participate in the summary hearing provisions of s. 120.574 for purposes of review of local government comprehensive plan amendments, s. 163.3184(9) and (10) apply.

(b) *Projects identified in paragraph (3)(f) or* challenges to state agency action in the expedited permitting process for establishment of a state-of-the-art biomedical research institution and campus in this state by the grantee under s. 288.955 are subject to the same requirements as challenges brought under paragraph (a), except that, notwithstanding s. 120.574, summary proceedings must be conducted within 30 days after a party files the motion for summary hearing, regardless of whether the parties agree to the summary proceeding.

(15) The office, working with the agencies *providing cooperative assistance and input regarding* ~~participating in~~ the memoranda of agreement, shall review sites proposed for the location of facilities eligible for the Innovation Incentive Program under s. 288.1089. Within 20 days after the request for the review by the office, the agencies shall provide to the office a statement as to each site's necessary permits under local, state, and federal law and an identification of significant permitting issues, which if unresolved, may result in the denial of an agency permit or approval or any significant delay caused by the permitting process.

(16) This expedited permitting process shall not modify, qualify, or otherwise alter existing agency nonprocedural standards for permit applications or local comprehensive plan amendments, unless expressly authorized by law. If it is determined that the applicant is not eligible to use this process, the applicant may apply for permitting of the project through the normal permitting processes.

(17) The office shall be responsible for certifying a business as eligible for undergoing expedited review under this section. Enterprise Florida, Inc., a county or municipal government, or the Rural Economic Development Initiative may recommend to the Office of Tourism, Trade, and Economic Development that a project meeting the minimum job creation threshold undergo expedited review.

(18) The office, working with the Rural Economic Development Initiative and the agencies participating in the memoranda of agreement, shall provide technical assistance in preparing permit applications and local comprehensive plan amendments for counties having a population of *fewer* ~~less~~ than 75,000 residents, or counties having fewer than *125,000* ~~100,000~~ residents which are contiguous to counties having fewer than 75,000 residents. Additional assistance may include, but not be limited to, guidance in land development regulations and permitting processes, working cooperatively with state, regional, and local entities to identify areas within these counties which may be suitable or adaptable for preclearance review of specified types of land uses and other activities requiring permits.

(19) The following projects are ineligible for review under this part:

(a) A project funded and operated by a local government, as defined in s. 377.709, and located within that government's jurisdiction.

(b) A project, the primary purpose of which is to:

1. Effect the final disposal of solid waste, biomedical waste, or hazardous waste in this state.

2. Produce electrical power, unless the production of electricity is incidental and not the primary function of the project *or the electrical power is derived from a fuel source for renewable energy as defined in s. 366.91(2)(d)*.

3. Extract natural resources.

4. Produce oil.

5. Construct, maintain, or operate an oil, petroleum, natural gas, or sewage pipeline.

Section 22. Subsection (6) of section 369.317, Florida Statutes, is amended to read:

369.317 Wekiva Parkway.—

(6) The Orlando-Orange County Expressway Authority is hereby granted the authority to act as a third-party acquisition agent, pursuant to s. 259.041 on behalf of the Board of Trustees or chapter 373 on behalf of the governing board of the St. Johns River Water Management District, for the acquisition of all necessary lands, property and all interests in property identified herein, including fee simple or less-than-fee simple interests. The lands subject to this authority are identified in paragraph 10.a., State of Florida, Office of the Governor, Executive Order 03-112 of July 1, 2003, and in Recommendation 16 of the Wekiva Basin Area Task Force created by Executive Order 2002-259, such lands otherwise known as Neighborhood Lakes, a 1,587+/- acre parcel located in Orange and Lake Counties within Sections 27, 28, 33, and 34 of Township 19 South, Range 28 East, and Sections 3, 4, 5, and 9 of Township 20 South, Range 28 East; Seminole Woods/Swamp, a 5,353+/- acre parcel located in Lake County within Section 37, Township 19 South, Range 28 East; New Garden Coal; a 1,605+/- acre parcel in Lake County within Sections 23, 25, 26, 35, and 36, Township 19 South, Range 28 East; Pine Plantation, a 617+/- acre tract consisting of eight individual parcels within the Apopka City limits. The Department of Transportation, the Department of Environmental Protection, the St. Johns River Water Management District, and other land acquisition entities shall participate and cooperate in providing information and support to the third-party acquisition agent. The land acquisition process authorized by this paragraph shall begin no later than December 31, 2004. Acquisition of the properties identified as Neighborhood Lakes, Pine Plantation, and New Garden Coal, or approval as a mitigation bank shall be concluded no later than December 31, 2010. Department of Transportation and Orlando-Orange County Expressway Authority funds expended to purchase an interest in those lands identified in this subsection shall be eligible as environmental mitigation for road construction related impacts in the Wekiva Study Area. *If any of the lands identified in this subsection are used as environmental mitigation for road-construction-related impacts incurred by the Department of Transportation or Orlando-Orange County Expressway Authority, or for other impacts incurred by other entities, within the Wekiva Study Area or within the Wekiva parkway alignment corridor and, if the mitigation offsets these impacts, the St. Johns River Water Management District and the Department of Environmental Protection*

shall consider the activity regulated under part IV of chapter 373 to meet the cumulative impact requirements of s. 373.414(8)(a).

(a) Acquisition of the land described in this section is required to provide right of way for the Wekiva Parkway, a limited access roadway linking State Road 429 to Interstate 4, an essential component in meeting regional transportation needs to provide regional connectivity, improve safety, accommodate projected population and economic growth, and satisfy critical transportation requirements caused by increased traffic volume growth and travel demands.

(b) Acquisition of the lands described in this section is also required to protect the surface water and groundwater resources of Lake, Orange, and Seminole counties, otherwise known as the Wekiva Study Area, including recharge within the springshed that provides for the Wekiva River system. Protection of this area is crucial to the long term viability of the Wekiva River and springs and the central Florida region's water supply. Acquisition of the lands described in this section is also necessary to alleviate pressure from growth and development affecting the surface and groundwater resources within the recharge area.

(c) Lands acquired pursuant to this section that are needed for transportation facilities for the Wekiva Parkway shall be determined not necessary for conservation purposes pursuant to ss. 253.034(6) and 373.089(5) and shall be transferred to or retained by the Orlando-Orange County Expressway Authority or the Department of Transportation upon reimbursement of the full purchase price and acquisition costs.

Section 23. *Section 288.1185, Florida Statutes, is repealed.*

And the title is amended as follows:

Delete lines 2-7 and insert: An act relating to environmental control; amending s. 403.708, F.S.; authorizing the disposal of yard trash at specified Class I landfills; requiring such landfills to obtain a modified operating permit; requiring permittees to certify certain collection and beneficial use of landfill gas; providing applicability; amending s. 288.9015, F.S.; requiring Enterprise Florida, Inc., to provide technical assistance to the Department of Environmental Protection in the creation of the Recycling Business Assistance Center; amending s. 373.414, F.S.; providing that financial responsibility for mitigation for wetlands and other surface waters required by a permit for activities associated with the extraction of limestone are subject to approval by the Department of Environmental Protection as part of permit application review; amending s. 378.901, F.S.; authorizing mine operators mining or extracting or proposing to mine or extract heavy minerals, limestone, or fuller's earth clay to apply for a life-of-the-mine permit; clarifying the authority of local governments to approve, approve with conditions, deny, or impose certain permit durations; amending s. 403.44, F.S.; eliminating a greenhouse gas registration and reporting requirement for major emitters; eliminating a requirement for the Department of Environmental Protection to establish methodologies, reporting periods, and reporting systems relating to greenhouse gas emissions; amending s. 403.7032, F.S.; requiring all public entities and those entities occupying buildings managed by the Department of Management Services to report recycling data; providing exceptions; encouraging certain private entities to report the disposal of recyclable materials; requiring the Department of Management Services to report on green and recycled products purchased through its procurement system; directing the Department of Environmental Protection to create the Recycling Business Assistance Center; providing requirements for the center; amending s. 403.7046, F.S., relating to regulation of recovered materials; deleting a requirement that the Department of Environmental Protection appoint a technical advisory committee; revising reporting requirements; amending s. 403.7049, F.S.; conforming a cross-reference; amending s. 403.705, F.S.; conforming a cross-reference; requiring that the Department of Environmental Protection report biennially to the Legislature on the state's success in meeting solid waste reduction goals; providing for the creation of a voluntary recyclers certification program; amending s. 403.706, F.S.; requiring counties to meet specific recycling benchmarks; providing legislative intent; requiring certain multifamily residential and commercial properties to make certain provisions for recycling receptacles; providing applicability; authorizing the Department of Environmental Protection to require counties to develop a plan to expand recycling programs under certain conditions; requiring the Department of Environmental Protection to provide a report to the Legislature if a specified recycling rate is not met; eliminating a requirement that counties develop composting goals; providing for waste-to-energy production to be applied toward meeting recycling benchmarks; providing exceptions; providing deadlines for the reporting of recycling data; amending s. 403.7061, F.S.; revising requirements for review of new waste-to-energy facility capacity by the Department of Environmental Protection; amending s. 403.707, F.S.; requiring liners for new construction and demolition debris landfills; establishing recycling rates for source-separation activities; providing an exception; amending s. 403.708, F.S.; authorizing the disposal of yard trash at a Class I landfill if the landfill has a system for collecting landfill gas and arranging for the reuse of the gas; requiring the Department of Environmental Protection to develop and adopt a methodology to award recycling credit for such use; requiring the landfill to obtain a minor permit modification to its operating permit before receiving yard trash; specifying which entities of local government may accept incidental amounts of yard trash at a landfill; amending s. 403.709, F.S.; conforming a cross-reference; amending s. 403.7095, F.S.; revising provisions relating to the solid waste management grant program; deleting provisions requiring the Department of Environmental Protection to develop a competitive and innovative grant program for certain counties, municipalities, special districts, and nonprofit organizations; deleting application requirements for such grant program; deleting a requirement for the Department of Environmental Protection to evaluate and prioritize grant proposals for inclusion in its annual budget request; revising the distribution of funds for the small-county consolidated grant program; deleting obsolete provisions; amending s. 403.7145, F.S.; revising recycling requirements for certain state buildings; providing for a pilot project for the Capitol recycling area; amending s. 533.77, F.S.; requiring the Florida Building Commission to develop specified recommendations relating to recycling and composting and the use of recyclable materials; amending ss. 220.1845 and 376.30781, F.S.; providing requirements for claiming certain site rehabilitation costs in applications for contaminated site rehabilitation tax credits; conforming cross-references; amending s. 376.85, F.S.; revising requirements for the Department of Environmental Protection's annual report to the Legislature regarding site rehabilitation; amending s. 403.973, F.S.; transferring certain authority over the expedited permitting and comprehensive plan amendment process from the Office of Tourism, Trade, and Economic Development to the Secretary of Environmental Protection; revising job-creation criteria for businesses to qualify to submit permit applications and local comprehensive plan amendments for expedited review; providing that permit applications and local comprehensive plan amendments for specified renewable energy projects are eligible for the expedited permitting process; providing for the establishment of regional permit action teams through the execution of memoranda of agreement developed by permit applicants and the secretary; revising provisions relating to the memoranda of agreement developed by the secretary; providing for the appeal of local government comprehensive plan approvals for projects and requiring such appeals to be consolidated with challenges to state agency actions; requiring recommended orders relating to challenges to state agency actions pursuant to summary hearing provisions to include certain information; extending the deadline for issuance of final orders relating to such challenges; providing for challenges to state agency action related to expedited permitting for specified renewable energy projects; revising provisions relating to the review of sites proposed for the location of facilities eligible for the Innovation Incentive Program; revising criteria for counties eligible to receive technical assistance in preparing permit applications and local comprehensive plan amendments; specifying expedited review eligibility for certain electrical power projects; amending s. 369.317, F.S.; providing that certain activity relating to mitigation of certain environmental impacts in the Wekiva Study Area or the Wekiva parkway alignment corridor meets specified impact requirements under certain conditions; repealing s. 288.1185, F.S., relating to the Recycling Markets Advisory Committee; providing an effective date.

The vote was:

Yeas—12

Baker	Joyner	Peaden
Fasano	Justice	Richter
Gaetz	Negron	Storms
Gardiner	Oelrich	Thrasher

Nays—21

Altman	Aronberg	Bennett

Bullard	Garcia	Ring
Constantine	Gelber	Siplin
Crist	Jones	Smith
Detert	Lawson	Villalobos
Diaz de la Portilla	Lynn	Wilson
Dockery	Rich	Wise

On motion by Senator Gaetz, **CS for HB 569** as amended was passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—1

Constantine

Vote after roll call:

Yea to Nay—Garcia, Gelber, Rich, Villalobos

CS for HB 551—A bill to be entitled An act relating to public records and meetings; amending s. 112.324, F.S.; revising an exemption from public record and public meeting requirements which is provided for complaints and related records in the custody of and proceedings conducted by a county or municipality that has established a local investigatory process to enforce more stringent standards of conduct and disclosure requirements; providing for future repeal and legislative review under the Open Government Sunset Review Act of revisions to the exemption; providing a statement of public necessity; providing an effective date.

—was read the third time by title.

On motion by Senator Altman, **CS for HB 551** was passed by the required constitutional two-thirds vote of the members present and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

CS for HB 1157—A bill to be entitled An act relating to the Local Government Prompt Payment Act; amending s. 218.72, F.S.; revising definitions; amending s. 218.735, F.S.; revising provisions relating to the timely payment for purchases of construction services; requiring that a dispute be resolved according to procedures in the contract; prohibiting the assessment of damages against a contractor if the list of items remaining to complete is not timely provided to the contractor; amending s. 218.76, F.S.; revising provisions relating to the resolution of disputes concerning an improper payment request or invoice; providing that a local governmental entity waives its objection in a payment dispute if it fails to commence the dispute resolution procedure within the time required; providing an effective date.

—was read the third time by title.

On motion by Senator Baker, **CS for HB 1157** was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Consideration of **CS for CS for CS for HB 1143** and **CS for HB 1035** was deferred.

HB 7019—A bill to be entitled An act relating to trust funds; creating s. 494.00173, F.S.; creating the Mortgage Guaranty Trust Fund within the Office of Financial Regulation of the Department of Financial Services; providing for sources of funds and purposes; providing for annual carryforward of funds; providing for future review and termination or recreation of the trust fund; providing an effective date.

—was read the third time by title.

On motion by Senator Joyner, **HB 7019** was passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

CS for HB 1035—A bill to be entitled An act relating to elevator safety; amending s. 399.01, F.S.; revising definitions; amending s. 399.02, F.S.; conforming a reference to a safety code; requiring the Division of Hotels and Restaurants of the Department of Business and Professional Regulation to adopt rules; authorizing the division to enter certain buildings; providing for variances; exempting certain elevators

from specific code update requirements; providing a phase-in period for such elevators; amending s. 399.035, F.S.; conforming a reference to certain safety standards; amending s. 399.049, F.S.; specifying additional acts by a registered elevator company or certificateholder which are subject to discipline; amending s. 399.061, F.S.; requiring certain licensees to provide written responses to departmental requests relating to inspection reports; amending s. 399.105, F.S.; extending the time within which an elevator owner may comply with certain orders to correct; creating s. 399.16, F.S.; providing procedures related to citations and discipline relating to unlicensed activity; creating s. 399.17, F.S.; providing registration and continuing education requirements for certified elevator inspectors; providing an effective date.

—was read the third time by title.

On motion by Senator Bennett, **CS for HB 1035** was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

CS for CS for CS for HB 665—A bill to be entitled An act relating to affordable housing; amending s. 20.055, F.S.; revising the definition of "state agency" to include the Florida Housing Finance Corporation; revising the definition of "agency head" to include the board of directors of the corporation; requiring the inspector general to prepare an annual report; amending s. 159.608, F.S.; providing a housing finance authority with an additional purpose for which it may exercise its power to borrow; amending s. 163.3177, F.S.; revising provisions relating to the elements of local comprehensive plans to authorize the inclusion of an element for affordable housing for certain seniors; providing for the disposition of real property by a local government for the development of affordable housing; amending s. 201.15, F.S.; revising the allocation of certain proceeds distributed from the excise tax on documents that are paid into the State Treasury to the credit of the State Housing Trust Fund; providing for retroactive repeal of s. 8, ch. 2009-131, Laws of Florida, to eliminate a conflicting version of s. 201.15, F.S.; amending s. 420.0003, F.S.; including the needs of persons with special needs in the state housing strategy's periodic review and report; amending s. 420.0004, F.S.; defining the terms "disabling condition" and "person with special needs"; conforming cross-references; amending s. 420.0006, F.S.; removing an obsolete reference; deleting provisions requiring the inspector general of the Department of Community Affairs to perform functions for the corporation to conform to changes made by the act; amending s. 420.504, F.S.; authorizing the Secretary of Community Affairs to designate a senior-level agency employee to serve on the board of directors of the Florida Housing Finance Corporation; amending s. 420.506, F.S.; providing for the appointment of an inspector general of the Florida Housing Finance Corporation; providing appointing authority thereof; providing duties and responsibilities of the inspector general; amending s. 420.507, F.S.; requiring certain rates of interest to be made available to sponsors of projects for persons with special needs; providing additional powers of the corporation relating to receipt of federal funds; revising powers of the corporation relating to criteria establishing a preference for eligible developers and general contractors; conforming a cross-reference; amending s. 420.5087, F.S.; limiting the reservation of funds within each notice of fund availability to the persons with special needs tenant group; including persons with special needs as a tenant group for specified purposes of the State Apartment Incentive Loan Program; revising and providing criteria to be used by a specified review committee for the competitive ranking of applications for such program; conforming a cross-reference; amending ss. 163.31771, 212.08, 215.5586, and 420.503, F.S.; conforming cross-references; providing legislative intent; prohibiting funds from the State Housing Trust Fund or the Local Government Housing Trust Fund that are appropriated for specified programs from being used for certain purposes; providing for future repeal; providing an effective date.

—was read the third time by title.

MOTION

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

Senator Bennett moved the following amendment which was adopted by two-thirds vote:

Amendment 1 (593404) (with title amendment)—Between lines 893 and 894 insert:

Section 18. *The Legislature hereby reauthorizes:*

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

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

(3) Any amendment to a local comprehensive plan adopted pursuant to s. 163.3184, Florida Statutes, as amended by chapter 2009-96, Laws of Florida, and in effect pursuant to s. 163.3189, Florida Statutes, which authorizes and implements a transportation concurrency exception area pursuant to s. 163.3180, Florida Statutes, as amended by chapter 2009-96, Laws of Florida.

Section 19. *Section 18 is intended to be remedial in nature and to reenact provisions of existing law. This act shall apply retroactively to all actions specified in section 18 and therefore to any such actions lawfully undertaken in accordance with chapter 2009-96, Laws of Florida.*

Section 20. (1) *Except as provided in subsection (4), a development order issued by a local government, a building permit, and any permit issued by the Department of Environmental Protection or by a water management district pursuant to part IV of chapter 373, Florida Statutes, which has an expiration date from September 1, 2008, through January 1, 2012, is extended and renewed for a period of 2 years after its previously scheduled date of expiration. This 2-year extension also applies to buildout dates, including any extension of a buildout date that was previously granted under s. 380.06(19)(c), Florida Statutes. This section does not prohibit conversion from the construction phase to the operation phase upon completion of construction. This extension is in addition to the 2-year permit extension provided under section 14 of chapter 2009-96, Laws of Florida.*

(2) The commencement and completion dates for any required mitigation associated with a phased construction project are extended so that mitigation takes place in the same timeframe relative to the phase as originally permitted.

(3) The holder of a valid permit or other authorization that is eligible for the 2-year extension must notify the authorizing agency in writing by December 31, 2010, identifying the specific authorization for which the holder intends to use the extension and the anticipated timeframe for acting on the authorization.

(4) The extension provided for in subsection (1) does not apply to:

(a) A permit or other authorization under any programmatic or regional general permit issued by the Army Corps of Engineers.

(b) A permit or other authorization held by an owner or operator determined to be in significant noncompliance with the conditions of the

permit or authorization as established through the issuance of a warning letter or notice of violation, the initiation of formal enforcement, or other equivalent action by the authorizing agency.

(c) A permit or other authorization, if granted an extension that would delay or prevent compliance with a court order.

(5) Permits extended under this section shall continue to be governed by the rules in effect at the time the permit was issued, except if it is demonstrated that the rules in effect at the time the permit was issued would create an immediate threat to public safety or health. This provision applies to any modification of the plans, terms, and conditions of the permit which lessens the environmental impact, except that any such modification does not extend the time limit beyond 2 additional years.

(6) This section does not impair the authority of a county or municipality to require the owner of a property that has notified the county or municipality of the owner's intent to receive the extension of time granted pursuant to this section to maintain and secure the property in a safe and sanitary condition in compliance with applicable laws and ordinances.

Section 21. Subsection (29) of section 163.3164, Florida Statutes, is amended to read:

163.3164 Local Government Comprehensive Planning and Land Development Regulation Act; definitions.—As used in this act:

(29) "Urban service area" means built-up areas where public facilities and services, including, but not limited to, central water and sewer capacity and roads, are already in place or are committed in the first 3 years of the capital improvement schedule. In addition, for counties that qualify as dense urban land areas under subsection (34), the nonrural area of a county which has adopted into the county charter a rural area designation or *any* areas identified in the comprehensive plan as urban service areas*, regardless of any local government limitation,* or urban growth boundaries on or before July 1, 2009, are also urban service areas under this definition.

And the title is amended as follows:

Delete lines 2-59 and insert: An act relating to community development; amending s. 20.055, F.S.; revising the definition of "state agency" to include the Florida Housing Finance Corporation; revising the definition of "agency head" to include the board of directors of the corporation; requiring the inspector general to prepare an annual report; amending s. 159.608, F.S.; providing a housing finance authority with an additional purpose for which it may exercise its power to borrow; amending s. 163.3177, F.S.; revising provisions relating to the elements of local comprehensive plans to authorize the inclusion of an element for affordable housing for certain seniors; providing for the disposition of real property by a local government for the development of affordable housing; amending s. 201.15, F.S.; revising the allocation of certain proceeds distributed from the excise tax on documents that are paid into the State Treasury to the credit of the State Housing Trust Fund; providing for retroactive repeal of s. 8, ch. 2009-131, Laws of Florida, to eliminate a conflicting version of s. 201.15, F.S.; amending s. 420.0003, F.S.; including the needs of persons with special needs in the state housing strategy's periodic review and report; amending s. 420.0004, F.S.; defining the terms "disabling condition" and "person with special needs"; conforming cross-references; amending s. 420.0006, F.S.; removing an obsolete reference; deleting provisions requiring the inspector general of the Department of Community Affairs to perform functions for the corporation to conform to changes made by the act; amending s. 420.504, F.S.; authorizing the Secretary of Community Affairs to designate a senior-level agency employee to serve on the board of directors of the Florida Housing Finance Corporation; amending s. 420.506, F.S.; providing for the appointment of an inspector general of the Florida Housing Finance Corporation; providing appointing authority thereof; providing duties and responsibilities of the inspector general; amending s. 420.507, F.S.; requiring certain rates of interest to be made available to sponsors of projects for persons with special needs; providing additional powers of the corporation relating to receipt of federal funds; revising powers of the corporation relating to criteria establishing a preference for eligible developers and general contractors; conforming a cross-reference; amending s. 420.5087, F.S.; limiting the reservation of funds within each notice of fund availability to the persons with special needs tenant group; including persons with special needs as a tenant group for specified purposes of the State Apartment Incentive Loan Program; revising and providing criteria to be used by a specified review committee for the competitive ranking of applications for such program; conforming a cross-reference; amending ss. 163.31771, 212.08, 215.5586, and 420.503, F.S.; conforming cross-references; providing legislative intent; prohibiting funds from the State Housing Trust Fund or the Local Government Housing Trust Fund that are appropriated for specified programs from being used for certain purposes; providing for future repeal; reauthorizing certain exemptions, 2-year extensions, and local comprehensive plan amendments granted, authorized, or adopted under general law and in effect as of a certain date; providing construction; providing for retroactive application; extending the expiration dates of certain permits issued by the Department of Environmental Protection, a water management district, or a local government; extending certain previously granted build-out dates; amending s. 163.3164, F.S.; providing that certain urban service areas are defined as urban service areas despite any local government limitation; providing an effective date.

On motion by Senator Bennett, **CS for CS for CS for HB 665** as amended was passed and certified to the House. The vote on passage was:

Yeas—31

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

Nays—6

Garcia	Joyner	Rich
Gelber	Justice	Storms

CS for SB 1408—A bill to be entitled An act relating to working waterfront property; creating s. 193.704, F.S.; providing definitions; specifying properties that are eligible for classification as working waterfront property; requiring the assessment of working waterfront property based on current use; specifying a methodology for determining assessed value; requiring property appraisers to consider specified factors in assessing certain property; providing for assessment of a portion of property within a working waterfront property which is not used as working waterfront property; requiring an application for classification of property as working waterfront property; specifying application requirements; authorizing a property appraiser to approve an application not filed by a certain deadline due to extenuating circumstances; providing for waiver of annual application requirements; providing for loss of classification upon a change of ownership or use; requiring property owners to notify the property appraiser of changes in use or ownership of property; imposing a penalty for failure to notify the property appraiser of an event resulting in the unlawful or improper classification of property as working waterfront property; requiring imposition of tax liens to recover penalties and interest; requiring property appraisers to make a list relating to applications to certify property as working waterfront property; providing an appeal process for applications that have been denied; amending s. 195.073, F.S.; providing for the classification of land as working waterfront property on an assessment roll; amending s. 380.5105, F.S.; providing new program objectives for the Stan Mayfield Working Waterfronts Program and the Florida Forever Program which are to be considered in selecting projects; providing emergency rulemaking authority; providing for severability; providing for retroactive application; specifying the date to apply for a working waterfront classification for 2010; providing effective dates.

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

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

Amendment 1 (550942)—Delete line 193 and insert:

4. Notwithstanding subparagraph 3., a new application for

Amendment 2 (132700)—Delete lines 243 and 244 and insert: *showing the acreage, the just value under s. 193.011, the value of the property under the provisions of this subsection, and*

Amendment 3 (694078)—Delete lines 264 and 265 and insert: *classification, the*

On motion by Senator Altman, **CS for SB 1408** as amended was passed, ordered engrossed and certified to the House. The vote on passage was:

Yeas—28

Mr. President	Gaetz	Ring
Altman	Gardiner	Siplin
Aronberg	Gelber	Smith
Baker	Haridopolos	Sobel
Bennett	Joyner	Storms
Constantine	Lawson	Thrasher
Crist	Negron	Wilson
Detert	Oelrich	Wise
Diaz de la Portilla	Peaden	
Fasano	Rich	

Nays—8

Bullard	Garcia	Lynn
Dean	Jones	Villalobos
Dockery	Justice	

Vote after roll call:

Yea—Richter

Nay to Yea—Bullard

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Villalobos, by two-thirds vote **SB 978** was withdrawn from the Committee on Rules; and by two-thirds vote placed on the Special Order Calendar to be considered this day.

BILLS ON THIRD READING

CS for CS for HB 1237—A bill to be entitled An act relating to probate procedures; amending s. 655.934, F.S.; updating terminology relating to a durable power of attorney; amending s. 655.935, F.S.; imposing additional duties on the lessor of a safe-deposit box relating to the contents of the box when the lessee has died; authorizing the lessor to charge fees for performing such duties; amending s. 731.110, F.S.; revising requirements relating to filing a caveat; providing that a caveat may be filed before or after a person's death; providing for the expiration of the caveat; amending s. 731.201, F.S.; revising the definitions of "formal notice" and "informal notice"; amending s. 731.301, F.S.; revising provisions relating to notice; amending s. 732.2125, F.S.; revising a provision relating to the right of election; amending s. 732.401, F.S.; providing that a decedent's spouse may elect to take an interest in a homestead as a tenant in common rather than a life estate; providing procedures and forms for filing notice of such election; providing that such election is irrevocable; providing for the allocation of expenses relating to the homestead; specifying that the interests of the decedent's descendants in the homestead may not be divested if the spouse's interest is disclaimed; amending s. 732.4015, F.S.; providing that if a spouse's interest in a homestead has been disclaimed, the disclaimed interest passes in accordance with ch. 739, F.S.; creating s. 732.4017, F.S.; providing for the inter vivos transfer of homestead property; providing limitations; amending s. 732.608, F.S.; revising provisions relating to which laws apply when determining intestate succession in certain circumstances; creating s. 732.805, F.S.; denying certain rights or benefits to a surviving spouse who procured a marriage by fraud, duress, or undue influence; providing procedures for challenging a surviving spouse; providing for the award of costs and fees; providing a limitation of liability relating to distributions made without notice of a pending claim; providing for means of notice; providing a time limitation on bringing such actions; creating s. 733.1051, F.S.; authorizing a court to construe the terms of certain wills for certain purposes under certain circumstances; providing definitions; providing criteria for court construction of a will; providing for nonapplication to certain dispositions; authorizing a personal representative to take certain actions without court order pending a determination of estate distribution; limiting personal representative liability; preserving certain rights to construe a will; providing for retroactive operation; amending s. 733.107, F.S.; providing that, in a will contest, certain affidavits and oaths are prima facie evidence relating to execution and attestation of a will; amending s. 733.2123, F.S.; deleting the requirement for attaching a copy of a will to a notice of a petition for administration; amending s. 733.608, F.S.; specifying the manner for serving notice of the personal representative's lien for expenditures and obligations incurred; amending s. 735.203, F.S.; revising provisions relating to providing notice for a petition for summary administration; amending s. 736.1102, F.S.; clarifying provisions relating to which laws apply when determining intestate succession in certain circumstances; amending s. 744.444, F.S.; conforming provisions to changes made by the act; providing effective dates.

—was read the third time by title.

On motion by Senator Joyner, **CS for CS for HB 1237** was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

CS for HB 843—A bill to be entitled An act relating to rural enterprise zones; requiring the Office of Tourism, Trade, and Economic Development to designate certain rural catalyst sites as rural enterprise zones upon request of a host county; specifying request requirements; specifying effect of designation; specifying reporting requirements for rural catalyst sites designated as a rural enterprise zone; authorizing host county development authorities to enter into memoranda of agreement for certain purposes; providing an effective date.

—was read the third time by title.

On motion by Senator Dean, **CS for HB 843** was passed and certified to the House. The vote on passage was:

Yeas—37

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

Storms	Wilson
Thrasher	Wise

Nays—None

THE PRESIDENT PRESIDING

SPECIAL RECOGNITION

At the request of the President, Senate district office staff members were present in the chamber. The President recognized and thanked the staff members on behalf of the Senators.

SENATOR FASANO PRESIDING

CS for HB 1455—A bill to be entitled An act relating to misrepresentation of military status; amending s. 496.415, F.S.; prohibiting a person from falsely representing himself or herself as a member of or representing the United States Armed Forces or the National Guard for the purpose of solicitation of charitable contributions or participation in a charitable or sponsor sales promotion; creating s. 817.312, F.S.; prohibiting a person from wearing the uniform of or any medal or insignia authorized for use by members or veterans of the United States Armed Forces or the National Guard with the intent to misrepresent himself or herself as a member or veteran of the United States Armed Forces or the National Guard while soliciting for charitable contributions; providing criminal penalties; providing an effective date.

—was read the third time by title.

On motion by Senator Gelber, **CS for HB 1455** was passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

CS for CS for HB 1565—A bill to be entitled An act relating to rulemaking; amending s. 120.54, F.S.; requiring each agency, before adopting, amending, or repealing certain rules, to prepare a statement of estimated regulatory costs of the proposed rule if the proposed rule has adverse impacts on small business or increases regulatory costs; providing an exception to circumstances under which an emergency rule shall not be effective; amending s. 120.541, F.S.; providing circumstances under which an agency shall prepare or revise a statement of estimated regulatory costs; providing notice requirements; providing that an agency's failure to prepare a statement of estimated regulatory costs or respond to a written lower cost regulatory alternative is a material failure to follow the applicable rulemaking procedures or requirements of the chapter; specifying circumstances under which certain challenges may not be raised; providing exceptions; specifying the requirements for an economic analysis on a proposed rule or rule changes; requiring that a rule impact analysis for small businesses include the agency's basis for not implementing alternatives to a proposed rule; providing circumstances under which a rule shall not take effect until ratified by the Legislature; providing that the act is not applicable to certain specified rules or standards; amending s. 120.56, F.S.; providing for revised statements of estimated regulatory costs as a basis for challenging a rule; amending s. 120.60, F.S.; authorizing an agency to provide by rule for the time period for submitting additional information needed for a license application; requiring that certain requests to receive notice relating to a license application be submitted in writing; providing an effective date.

—was read the third time by title.

On motion by Senator Bennett, **CS for CS for HB 1565** was passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Bullard, Siplin

CS for CS for CS for HB 963—A bill to be entitled An act relating to seaports; creating s. 373.4133, F.S.; providing legislative findings; providing for port conceptual permits; providing which ports may apply for a port conceptual permit; authorizing a private entity that has adjacent property to apply for a permit; specifying the length of time for which permit may be issued; providing that a permit is a conceptual certification of compliance with state water quality standards and a conceptual determination of consistency with the state coastal zone management program; providing for permit applications and application requirements; requiring the Department of Environmental Protection to effect a certain balance between the benefits of the facility and the environment; providing that a permit provides certain assurances with respect to construction permits if certain requirements are met; providing for advance mitigation; providing that approval of certain submerged lands authorization by the Board of Trustees of the Internal Improvement Trust Fund constitutes the delegation of authority to the department for final agency action; providing an exception; providing procedures for the approval or denial of an application; providing for administrative challenges; authorizing the department and the board to issue certain permits and authorizations before certain actions are taken under the Endangered Species Act; authorizing certain alternative stormwater treatment and design criteria; providing requirements for proposing such criteria; authorizing the department and the board to adopt rules; providing for implementation; amending s. 311.07, F.S.; revising matching-fund requirements for projects to rehabilitate wharves, docks, berths, bulkheads, or similar structures; amending s. 311.09, F.S.; requiring the Department of Transportation to include certain projects' funding allocations in its legislative budget request and to submit specified work program amendments within a certain timeframe; providing for the transfer of unexpended budget between seaport projects; amending s. 403.061, F.S.; removing the requirement to enter into a memorandum of agreement with the Florida Ports Council from the authority granted to the Department of Environmental Protection to provide supplemental permitting processes for the issuance of certain permits; amending s. 403.813, F.S.; revising requirements relating to maintenance dredging at seaports; expanding the parameters for mixing zones and return-water discharges; prohibiting mixing zones from entering wetland communities; increasing the time allowance for maintenance dredging following a storm event; amending ss. 161.055 and 253.002, F.S.; conforming provisions to changes made by the act; authorizing seaports to enter into public-private agreements for port-related public infrastructure projects; providing effective dates.

—was read the third time by title.

On motion by Senator Ring, **CS for CS for CS for HB 963** was passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

CS for CS for HB 723—A bill to be entitled An act relating to postsecondary education; amending s. 1009.26, F.S.; authorizing state universities and community colleges to waive tuition and fees for certain public school classroom teachers for undergraduate courses approved by the Department of Education; requiring State Board of Education rulemaking; amending s. 1004.26, F.S.; prohibiting a cause of action against a state university for the actions or decisions of a state university student government; amending s. 501.0117, F.S.; providing that a convenience fee imposed on a student or family making payment by credit card to certain postsecondary institutions is not considered a surcharge for purposes of certain restrictions; amending s. 1009.23, F.S.; authorizing a community college to assess a convenience fee for the processing of automated or online credit card payments; providing a restriction on the amount of the convenience fee and requiring approval by the community college board of trustees; providing an effective date.

—was read the third time by title.

On motion by Senator Wise, **CS for CS for HB 723** was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

CS for CS for HB 1073 and HB 81—A bill to be entitled An act relating to persons with disabilities; amending s. 393.067, F.S.; revising provisions relating to licensure and standards for facilities and programs for persons with developmental disabilities; amending s. 393.13, F.S.; revising rights for persons with developmental disabilities; amending s. 402.305, F.S.; requiring minimum training for child care personnel to include the identification and care of children with developmental disabilities; creating s. 1003.573, F.S.; requiring that each school prepare an incident report within a specified period after each occasion of student restraint or seclusion; specifying the contents of such report; requiring that each school notify a student's parent or guardian if manual physical restraint or seclusion is used; requiring certain reporting and monitoring; requiring that each school district develop and revise policies and procedures governing the incident reports, data collection, and the monitoring and reporting of such data; prohibiting school personnel from using a mechanical restraint or a manual physical restraint that restricts a student's breathing; prohibiting school personnel from closing, locking, or physically blocking a student in a room that is unlit and does not meet the rules of the State Fire Marshal for seclusion time-out rooms; amending s. 1004.55, F.S.; requiring regional autism centers to provide certain support for serving children with developmental disabilities; creating s. 1012.582, F.S.; requiring the Commissioner of Education to develop recommendations to incorporate instruction relating to developmental disabilities into continuing education or in-service training requirements for instructional personnel; requiring the Department of Education to incorporate the course curricula into existing requirements for such education or training; authorizing the State Board of Education to adopt rules; requiring the Division of Vocational Rehabilitation within the Department of Education to develop an implementation plan for the establishment of a state vocational college for persons with developmental disabilities subject to legislative authorization and appropriation of funding; providing an effective date.

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

On motion by Senator Gardiner, **CS for CS for HB 1073 and HB 81** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

On motion by Senator Wise, by two-thirds vote **CS for HB 731** was withdrawn from the Committees on Commerce; Banking and Insurance; and Judiciary.

On motion by Senator Wise, by unanimous consent—

CS for HB 731—A bill to be entitled An act relating to commercial transactions; amending s. 627.7295, F.S.; revising application of certain provisions relating to motor vehicle insurance contracts; revising and providing provisions of the Uniform Commercial Code relating to electronic documents of title, warehouse receipts, bills of lading, and other documents of title to conform to the revised Article 7 of the Uniform Commercial Code as prepared by the National Conference of Commissioners on Uniform State Laws; amending ss. 668.50 and 671.304, F.S.; correcting cross-references; amending ss. 671.201, 672.103, 672.104, 674.104, 677.102, and 679.1021, F.S.; revising and providing definitions; revising provisions pertaining to definitions applicable to certain provisions of the code, to conform cross-references to revisions made by this act; amending s. 672.310, F.S.; revising time when certain delivery payments are due; amending ss. 559.9232, 672.323, 672.401, 672.503, 672.505, 672.506, 672.509, 672.605, 672.705, 674.2101, 677.201, 677.202, 677.203, 677.205, 677.206, 677.207, 677.208, 677.301, 677.302, 677.304, 677.305, 677.401, 677.402, 677.403, 677.404, 677.502, 677.503, 677.505, 677.506, 677.507, 677.508, 677.509, 677.602, 677.603, 679.2031, 679.2071, 679.3011, 679.3101, 679.3121, 679.3131, 679.3141, 679.3171, 679.338, 680.1031, 680.514, and 680.526, F.S.; revising provisions to conform to changes made by this act; making editorial changes; amending s. 677.103, F.S.; revising and providing application in relation of chapter to treaty, statute, classification, or regulation; amending s. 677.104, F.S.; providing when certain documents of title are nonnegotiable; amending s. 677.105, F.S.; authorizing an issuer of the electronic

document to issue a tangible document of title as a substitute for the electronic document under certain conditions; authorizing an issuer of a tangible document to issue an electronic document of title as a substitute for the tangible document under certain conditions; creating s. 677.106, F.S.; providing when certain persons have control of an electronic document of title; amending s. 677.204, F.S.; revising liability of certain damages; authorizing a warehouse receipt or storage agreement to provide certain requirements; amending s. 677.209, F.S.; revising conditions for a warehouse to establish a lien against a bailor; providing when and against whom the lien is effective; amending s. 677.210, F.S.; revising provisions relating to the enforcement of warehouse's liens; amending s. 677.303, F.S.; prohibiting liability for certain carriers; amending s. 677.307, F.S.; revising conditions under which a carrier has a lien on goods covered by a bill of lading; amending s. 677.308, F.S.; revising provisions relating to the enforcement of a carrier's lien; amending s. 677.309, F.S.; revising provisions relating to the contractual limitation of a carrier's liability; amending s. 677.501, F.S.; providing requirements for negotiable tangible documents of title and negotiable electronic documents of title; amending s. 677.504, F.S.; providing condition under which the rights of the transferee may be defeated; amending s. 677.601, F.S.; revising provisions relating to lost, stolen, or destroyed documents of title; amending s. 678.1031, F.S.; providing that certain documents of title are not financial assets; amending s. 679.2081, F.S.; providing requirements for secured parties having control of an electronic document; providing an effective date.

—a companion measure, was taken up out of order and by two-thirds vote substituted for **CS for SB 1366** and read the second time by title.

Senator Wise moved the following amendment which was adopted:

Amendment 1 (343134) (with title amendment)—Delete lines 69-108.

And the title is amended as follows:

Delete lines 2-10 and insert: An act relating to the Uniform Commercial Code; amending ss. 668.50

On motion by Senator Wise, by two-thirds vote **CS for HB 731** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

CS for SB 2140—A bill to be entitled An act relating to administrative procedures; amending s. 120.54, F.S.; requiring an agency's notice of rule development to indicate whether the rule may have an adverse impact on small businesses; requiring that the agency also notify the Small Business Regulatory Advisory Council if the rule may have an adverse impact; authorizing the council to propose regulatory alternatives to the agency within a specified period; requiring an agency to send a statement to the council and the Administrative Procedures Committee if the agency does not adopt the proposed alternatives; revising the duties of the Office of Program Policy Analysis and Government Accountability with respect to its review of proposed alternative rules; revising certain procedures for an agency in filing a rule for final adoption; amending s. 120.541, F.S.; conforming provisions to changes made by the act; revising provisions relating to an agency's response to a proposal by a substantially affected person for a lower cost regulatory alternative to a proposed rule; revising the grounds for declaring a rule invalid due to the agency's failure to prepare a statement of estimated regulatory costs or to respond to a written lower cost regulatory alternative; providing that a rule that imposes regulatory costs that could be reduced under certain circumstances may be declared invalid if certain requirements are not met; requiring that a rule impact analysis for small businesses include the agency's basis for not implementing alternatives to a proposed rule; amending s. 120.56, F.S.; providing for revised statements of estimated regulatory costs as a basis for challenging a rule; amending s. 120.60, F.S.; authorizing an agency to provide by rule for the time period for submitting additional information needed for a license application; requiring that certain requests to receive notice relating to a license application be submitted in writing; providing an effective date.

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

On motion by Senator Joyner, **CS for SB 2140** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Consideration of **HB 7085** was deferred.

CS for HB 1145—A bill to be entitled An act relating to state parks; creating s. 258.0145, F.S.; providing discounts on annual passes for members and veterans of the United States Armed Forces and reserve forces and for surviving spouses of certain veterans; amending s. 258.004, F.S.; providing additional duties of the Division of Recreation and Parks of the Department of Environmental Protection; providing an effective date.

—was read the third time by title.

On motion by Senator Baker, **CS for HB 1145** was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

HB 7085—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 112.324, F.S., which provides an exemption from public records requirements for complaints and related records held by the Commission on Ethics or a Commission on Ethics and Public Trust established by a county or municipality and an exemption from public meetings requirements for proceedings conducted by such commissions pursuant to a complaint or preliminary investigation; reorganizing the exemption; removing the scheduled repeal of the exemption; providing an effective date.

—was read the third time by title.

On motion by Senator Storms, **HB 7085** was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Consideration of **HJR 7231** and **CS for HB 7179** was deferred.

HB 7035—A bill to be entitled An act relating to criminal justice; repealing s. 16.07, F.S., relating to a prohibition on the Attorney General collecting any fee for defending any supposed offender; repealing s. 30.11, F.S., relating to a sheriff's or deputy's required place of residence; amending ss. 384.34 and 796.08, F.S.; removing references to conform to changes made by the act; amending s. 775.0877, F.S.; removing penalty provisions relating to criminal transmission of HIV; amending s. 893.13, F.S.; removing penalty provisions relating to obsolete community residential drug punishment centers; amending s. 921.187, F.S.; removing sentencing provisions relating to community residential drug punishment centers and quarantine of offenders convicted of criminal transmission of HIV; repealing s. 944.293, F.S., relating to initiation of restoration of civil rights; amending s. 948.001, F.S.; removing the definition of the term "criminal quarantine community control"; repealing s. 948.034, F.S., relating to community residential drug punishment centers; repealing s. 948.0345, F.S., relating to community service alternative to fines; amending s. 984.04, F.S.; removing a reference to conform to changes made by the act; amending ss. 948.101 and 948.11, F.S.; removing references to criminal quarantine community control; repealing s. 957.125, F.S., relating to authorization for the Correctional Privatization Commission to contract for youthful offender correctional facilities; repealing s. 985.4891, F.S., relating to sheriff's training and respect programs; amending ss. 958.046, 985.445, 985.47, 985.483, 985.494, and 985.645, F.S.; conforming provisions to the repeal of s. 985.4891, F.S.; providing an effective date.

—was read the third time by title.

On motion by Senator Dockery, **HB 7035** was passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Bullard

CS for CS for CS for HB 1271—A bill to be entitled An act relating to transportation; amending s. 212.055, F.S.; authorizing counties within or under an interlocal agreement with a regional transportation or transit authority to levy a discretionary sales surtax for transportation systems under certain conditions; providing that the county commission may apply the proceeds from the charter county transportation system surtax to the planning, development, construction, expansion, operation, and maintenance of on-demand transportation services; defining the term "on-demand transportation services"; amending s. 310.0015, F.S., relating to pilotage rates; providing for such rates to be set by the Pilotage Rate Review Committee to conform to changes made by the act; amending s. 310.002, F.S.; revising the definition of the term "pilotage" to conform to changes made by the act; amending s. 310.011, F.S.; revising the membership of the Board of Pilot Commissioners; amending s. 310.151, F.S.; redesignating the "Pilotage Rate Review Board" as the "Pilotage Rate Review Committee"; providing that the committee is part of the Board of Pilot Commissioners; revising membership and providing for appointment of members from among the commissioners; requiring members to comply with specified disclosure requirements; providing that decisions of the committee regarding rates are not appealable to the board; directing the Governor to make certain appointments to the Board of Pilot Commissioners before a certain date; providing requirements for the transfer of pending matters; repealing s. 315.03(12)(c), F.S., relating to legislative review of a loan program of the Florida Seaport Transportation and Economic Development Council; amending s. 316.003, F.S.; defining the term "motor carrier transportation contract" for purposes of the Florida Uniform Traffic Control Law; amending s. 316.1001, F.S.; revising the method to be used to provide notice following the issuance of a citation for failure to pay a toll; providing that receipt of the citation rather than its mailing constitutes notification; authorizing any governmental entity, including the clerk of court, to provide certain data to the Department of Highway Safety and Motor Vehicles regarding outstanding violations for failure to pay tolls; amending s. 316.302, F.S.; revising reference to specified federal rules and regulations applicable to owners and drivers of commercial motor vehicles engaged in intrastate commerce; providing that certain indemnification provisions in motor carrier transportation contracts are against public policy and are void and unenforceable; defining the term "promisee," as used in motor carrier transportation contracts; provides an exception to such definition; providing for application to certain contracts; amending s. 316.515, F.S.; conforming a cross-reference; amending s. 316.545, F.S.; providing for a reduction in the gross weight of certain vehicles equipped with idle-reduction technologies when calculating a penalty for exceeding maximum weight limits; requiring the operator to provide certification of the weight of the idle-reduction technology and to demonstrate or certify that the idle-reduction technology is fully functional at all times; amending s. 316.550, F.S.; authorizing the department or local authority to issue permits for certain vehicles to operate on certain routes; requiring issuance of permits within a specified period after a request; providing restrictions on routes; providing conditions when vehicles must be unloaded; conforming a cross-reference; amending s. 318.18, F.S.; revising provisions for distribution of proceeds collected by the clerk of the court for disposition of citations for failure to pay a toll; providing alternative procedures for disposition of such citation; providing for adjudication to be withheld and no points assessed against the driver's license unless adjudication is imposed by a court; authorizing a court to direct the department to suspend a person's driver's license for violations involving the failure to pay tolls; amending s. 320.03, F.S.; clarifying provisions requiring that the tax collector withhold issuance of a license plate or revalidation sticker if certain fines are outstanding; amending s. 320.08, F.S.; providing that specified license tax provisions apply to wreckers used for

certain purposes; amending s. 320.08058, F.S.; revising authorized uses of revenue received from the sale of United We Stand license plates; amending s. 322.27, F.S.; providing for assessment of points against a driver's license for specified violations of requirements to pay a toll only when the points are imposed by a court; repealing s. 332.14, F.S., relating to the Secure Airports for Florida's Economy Council; providing for the use of funds accrued by the Secure Airports for Florida's Economy Council; amending s. 337.14, F.S.; revising application procedures for the qualification of contractors; requiring any required interim financial statement to be accompanied by an updated application; amending s. 337.401, F.S.; revising provisions for rules of the department that provide for the placement of and access to certain electrical transmission lines on the right-of-way of department-controlled roads; authorizing the rules to include that the use of the limited access right-of-way for longitudinal placement of such transmission lines is reasonable based upon consideration of certain economic and environmental factors; providing that removal or relocation of a transmission line shall be at the expense of the utility; amending s. 337.406, F.S.; prohibiting camping on certain parts of the right-of-way of the State Highway System; amending s. 338.155, F.S.; authorizing the department to adopt rules relating to the payment, collection, and enforcement of tolls; amending ss. 341.051 and 341.3025, F.S.; requiring the use of universally accepted contactless fare media on new or upgraded public rail transit systems or public transit systems connecting to such rail systems; amending s. 343.64, F.S.; authorizing the Central Florida Regional Transportation Authority to borrow funds under certain circumstances; amending s. 348.51, F.S.; revising the definition for the term "bonds" when used in the Tampa-Hillsborough County Expressway Authority Law; amending s. 348.545, F.S.; authorizing certain costs to be financed by bonds issued on behalf of the Tampa-Hillsborough County Expressway Authority pursuant to the State Bond Act or bonds issued by the authority under specified provisions; amending s. 348.56, F.S.; authorizing bonds to be issued on behalf of the authority pursuant to the State Bond Act or issued by the authority under specified provisions; revising requirements for such bonds; requiring the bonds to be sold at public sale; authorizing the authority to negotiate the sale of bonds with underwriters under certain circumstances; amending s. 348.565, F.S.; providing that facilities of the expressway system are approved to be refinanced by the revenue bonds issued by the Division of Bond Finance of the State Board of Administration and the State Bond Act or by revenue bonds issued by the authority; providing that certain projects of the authority are approved for financing or refinancing by revenue bonds; amending s. 348.57, F.S.; authorizing the authority to provide for the issuance of certain bonds for the refunding of bonds outstanding regardless of whether the bonds being refunded were issued by the authority or on behalf of the authority; amending s. 348.70, F.S.; providing that the Tampa-Hillsborough County Expressway Authority Law does not repeal, rescind, or modify any other laws; providing that such law supersedes laws that are inconsistent with the provisions of that law; creating part XI of ch. 348, F.S.; creating s. 348.9950, F.S.; providing a short title; creating s. 348.9951, F.S.; providing that certain terms have the same meaning as in the Florida Expressway Authority Act for certain purposes; creating s. 348.9952, F.S.; creating the Osceola County Expressway Authority as an agency of the state; providing for a governing body of the authority; providing for membership, terms, organization, personnel, and administration; authorizing payment of travel and other expenses; directing the authority to cooperate with and participate in any efforts to establish a regional expressway authority; declaring that the authority is not eligible for voting membership in certain metropolitan planning organizations; creating s. 348.9953, F.S.; providing purposes and powers of the authority; creating s. 348.9954, F.S.; authorizing the issuance of bonds to pay or secure certain obligations; creating s. 348.9955, F.S.; authorizing the authority to enter into certain agreements; creating s. 348.9956, F.S.; authorizing the department to act as the authority's appointed agent under certain circumstances; creating s. 348.9957, F.S.; authorizing the authority to acquire certain lands and property; authorizing the authority to exercise eminent domain; creating s. 348.9958, F.S.; authorizing certain entities to enter into agreements with the authority; creating s. 348.9959, F.S.; providing legislative intent and a pledge of the state to bondholders; creating s. 348.9960, F.S.; exempting the authority from taxation; providing an exemption from taxes for bonds issued by or on behalf of the authority and the income therefrom; providing an exception; creating s. 348.9961, F.S.; providing for dissolution of the authority under certain circumstances; amending s. 369.317, F.S.; providing that certain activity relating to mitigation of certain environmental impacts in the Wekiva Study Area or the Wekiva parkway alignment corridor meet specified impact requirements under certain conditions; amending s. 373.41492, F.S.; increasing the mitigation fee for mining activities in the Miami-Dade County Lake Belt; suspending an annual increase in the mitigation fee; revising the frequency of an interagency committee report; amending s. 403.4131, F.S.; removing provisions relating to a report on the adopt-a-highway program; amending s. 479.01, F.S.; defining the terms "allowable uses," "commercial use," "industrial use," and "zoning category" and revising the definition of the terms "commercial or industrial zone" and "main-traveled way" for purposes of provisions relating to outdoor advertising; conforming cross-references; amending s. 479.07, F.S.; providing for the placement of new or replacement signs erected on an interstate highway in certain areas; requiring such sign to be located on land designated for commercial or industrial use under the future land use map and land use development regulations; exempting such location from specified evaluation criteria; amending s. 479.261, F.S.; removing a provision authorizing the Department of Transportation to rotate certain logo signs relating to gas, food, and lodging services on the rights-of-way of the interstate highway system during a specified period; reducing the annual permit fees for businesses participating in the interstate highway logo sign program; designating pts. I and II of ch. 479, F.S., entitled "General Provisions" and "Special Programs," respectively; creating pt. III of ch. 479, F.S., entitled "Sign Removal"; creating s. 479.310, F.S.; providing intent relating to unpermitted and illegal signs; placing financial responsibility for the removal of such signs; providing the department authority to recover costs of removal of such signs; creating s. 479.311, F.S., providing jurisdiction to consider claims to recover costs; defining the term "venue" for the purposes of a claim filed by the department; creating s. 479.312, F.S.; providing that costs incurred by the department in removing certain signs shall be assessed against certain individuals; providing presumption of a ownership; creating s. 479.313, F.S.; providing for the assessment of the cost of removal for signs following the revocation of a sign permit; creating s. 479.315, F.S.; providing for the assessment of the cost of removal of signs located within a highway right-of-way; amending s. 705.18, F.S.; removing provisions for disposal of personal property lost or abandoned at certain public-use airports; creating s. 705.182, F.S.; providing for disposal of personal property found on premises owned or controlled by the operator of a public-use airport; providing a timeframe for the property to be claimed; providing options for disposing of such personal property; providing procedures for selling abandoned personal property; providing for notice of sale; providing that the rightful owner of such property may reclaim the property at any time prior to sale; permitting airport tenants to establish lost and found procedures; providing that purchaser holds title to the property free of the rights of persons then holding any legal or equitable interest thereto; creating s. 705.183, F.S.; providing for disposition of derelict or abandoned aircraft on the premises of public-use airports; providing procedures for such disposition; requiring a record of when the aircraft is found; defining the terms "derelict aircraft" and "abandoned aircraft"; providing for notification of aircraft owner and all persons having an equitable or legal interest in the aircraft; providing for notice if the owner of the aircraft is unknown or cannot be found; providing for disposition if the aircraft is not removed upon payment of required fees; requiring any sale of the aircraft to be at a public auction; providing notice requirements for such public auction; providing procedures for disposal of the aircraft; providing for liability if charges and costs related to the disposition are more than that obtained from the sale; providing for a lien by the airport for fees and charges; providing for notice of lien; requiring recording of a claim of lien; providing for the form of the claim of lien; providing for service of the claim of lien; providing that the purchaser of the aircraft takes the property free of rights of persons holding legal or equitable interest in the aircraft; requiring purchaser or recipient to notify the Federal Aviation Administration of change in ownership; providing for disposition of moneys received for an aircraft sold at public sale; authorizing the airport to issue documents relating to the aircraft's disposal; creating s. 705.184, F.S.; providing for disposition of derelict or abandoned motor vehicles on the premises of public-use airports; providing procedures; requiring recording of the abandoned motor vehicle; defining the terms "derelict motor vehicle" and "abandoned motor vehicle"; providing for removal of such motor vehicle from airport premises; providing for notice to the owner, the company insuring the motor vehicle, and any lienholder; providing for disposition if the motor vehicle is not removed upon payment of required fees; requiring any sale of the motor vehicle to be at a public auction; providing notice requirements for such public auction; providing procedures for disposal of the motor vehicle; providing for a lien by the airport or a licensed independent wrecker for fees and charges; providing for notice of lien; requiring recording of a claim of lien; providing for the form of the

claim of lien; providing for service of claim of lien; providing that the purchaser of the motor vehicle takes the property free of the rights of persons holding legal or equitable interest in the motor vehicle; amending s. 479.156, F.S.; conforming cross-references; providing an effective date.

—was read the third time by title.

On motion by Senator Gardiner, **CS for CS for CS for HB 1271** was passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Bullard

SENATOR VILLALOBOS PRESIDING

CS for CS for SB 2556—A bill to be entitled An act relating to medical devices; amending s. 401.2915, F.S.; requiring certain entities to notify local emergency services medical directors of the locations of automated external defibrillators; requiring local emergency medical services medical directors to maintain registries of certain automated external defibrillator locations; amending s. 499.01, F.S.; revising the list of exemptions from the requirement that certain persons engaged in the manufacture, repackaging, or assembly of medical devices hold a device manufacturer permit; amending s. 768.1326, F.S.; directing the State Surgeon General, with the assistance of the Department of Management Services, to adopt rules to establish guidelines for the appropriate placement and deployment of automated external defibrillators in places of public assembly; providing a definition; providing exceptions; providing for construction; providing an effective date.

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

On motion by Senator Altman, **CS for CS for SB 2556** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

SENATOR FASANO PRESIDING

CS for HB 7179—A bill to be entitled An act relating to qualifying improvements to real property; creating s. 163.08, F.S.; providing legislative purposes and findings and intent; providing definitions; authorizing a local government to levy non-ad valorem assessments to fund certain improvements; authorizing a property owner to apply for funding and enter into a financing agreement with a local government to finance certain improvements; authorizing a local government to collect moneys for such purposes through non-ad valorem assessments; providing collection requirements; authorizing local governments to partner with other local governments to provide and finance certain improvements; authorizing a qualifying improvement program to be administered by a for-profit entity or not-for-profit organization under certain circumstances; authorizing a local government to incur debt payable from revenues received from the improved property; providing a financing restriction for local governments; requiring a financial agreement to be recorded in a county's public records within 5 days after execution of the agreement; specifying responsibilities for local governments before entering into financing agreements; requiring qualifying improvements to be affixed to a building or facility on the property and be performed by a properly certified or registered contractor; excluding certain projects from financing agreement coverage; limiting the amount of the non-ad valorem assessment to a percentage of the just value of the property; providing exceptions; specifying information provision requirements for property owners before entering into financing agreements; prohibiting acceleration of a mortgage under certain circumstances; providing assessment disclosure requirements; specifying unenforceability of certain agreement provisions; providing construction preserving a local government's home rule authority; providing an effective date.

—was read the third time by title.

Senator Bennett moved the following amendment which was adopted by two-thirds vote:

Amendment 1 (870244) (with title amendment)—Between lines 251 and 252 insert:

Section 2. Section 288.9602, Florida Statutes, is amended to read:

288.9602 Findings and declarations of necessity.—The Legislature finds and declares that:

(1) There is a need to enhance economic activity in the ~~cities and counties of the~~ state by attracting manufacturing, development, redevelopment of brownfield areas, business enterprise management, and other activities conducive to economic promotion in order to provide a stronger, more balanced, and stable economy in the ~~cities and counties of the~~ state.

(2) A significant portion of businesses located in the ~~cities and counties of the~~ state or desiring to locate in the ~~cities and counties of the~~ state encounter difficulty in obtaining financing on terms competitive with those available to businesses located in other states and nations or are unable to obtain such financing at all.

(3) The difficulty in obtaining such financing impairs the expansion of economic activity and the creation of jobs and income in communities throughout the state.

(4) The businesses most often affected by these financing difficulties are small businesses critical to the economic development of the *state* ~~cities and counties of Florida~~.

(5) The economic well-being of the people in, and the commercial and industrial resources of, ~~the cities and counties of~~ the state would be enhanced by the provision of financing to businesses on terms competitive with those available in the most developed financial markets worldwide.

(6) In order to improve the prosperity and welfare of ~~the cities and counties of~~ this state and its inhabitants, to improve and promote the financing of projects related to the economic development of ~~the cities and counties of~~ this state, including redevelopment of brownfield areas, and to increase the purchasing power and opportunities for gainful employment of citizens of ~~the cities and counties of~~ this state, it is necessary and in the public interest to facilitate the financing of such projects as provided for in this act and to do so without regard to the

boundaries between counties, municipalities, special districts, and other local governmental bodies or agencies in order to more effectively and efficiently serve the interests of the greatest number of people in the widest area practicable.

(7) In order to promote and stimulate development and advance the business prosperity and economic welfare of ~~the cities and counties of~~ this state and its inhabitants; to encourage and assist new business and industry in this state through loans, investments, or other business transactions; to rehabilitate and assist existing businesses; to stimulate and assist in the expansion of all kinds of *for-profit and not-for-profit* business activity; and to create maximum opportunities for employment, encouragement of thrift, and improvement of the standard of living of the citizens of Florida, it is necessary and in the public interest to facilitate the cooperation and action between organizations, public and private, in the promotion, development, and conduct of all kinds of *for-profit and not-for-profit* business activity in the state.

(8) In order to efficiently and effectively achieve the purposes of this act, it is necessary and in the public interest to create a special development finance authority to cooperate and act in conjunction with public agencies of this state and local governments of this state, through interlocal agreements pursuant to the Florida Interlocal Cooperation Act of 1969, in the promotion and advancement of projects related to economic development, including redevelopment of brownfield areas, throughout the state.

(9) The purposes to be achieved by the special development finance authority through such projects and such financings of business and industry in compliance with the criteria and the requirements of this act are predominantly the public purposes stated in this section, and such purposes implement the governmental purposes under the State Constitution of providing for the health, safety, and welfare of the people *of the state*~~, including implementing the purpose of s. 10(c), Art. VII of the State Constitution and simultaneously provide new and innovative means for the investment of public trust funds in accordance with s. 10(a), Art. VII of the State Constitution~~.

Section 3. Subsections (6), (11), and (12) of section 288.9603, Florida Statutes, are amended to read:

288.9603 Definitions.—

(6) "Debt service" shall mean for any bonds issued by the corporation *or for any bonds or other form of indebtedness* ~~and~~ for which a guaranty has been issued pursuant to ss. 288.9606, 288.9607, and 288.9608, for any period for which such determination is to be made, the aggregate amount of all interest charges due or which shall become due on or with respect to such bonds *or indebtedness* during the period for which such determination is being made, plus the aggregate amount of scheduled principal payments due or which shall become due on or with respect to such bonds *or indebtedness* during the period for which such determination is being made. Scheduled principal payments may include only principal payments that are scheduled as part of the terms of the original bond *or indebtedness* issue and that result in the reduction of the outstanding principal balance of the bonds *or indebtedness*.

(11) "Guaranty agreement" means an agreement by and between the corporation and *an applicant* ~~a public agency~~ pursuant to the provisions of s. 288.9607.

(12) "Guaranty *agreement* fund" means the *Energy, Technology, and Economic Development* ~~Revenue Bond~~ Guaranty *Fund* ~~Reserve Account~~ established by the corporation pursuant to s. 288.9608.

Section 4. Section 288.9604, Florida Statutes, is amended to read:

288.9604 Creation of the authority.—

(1) ~~Upon a finding of necessity by a city or county of this state, selected pursuant to subsection (2),~~ There is created a public body corporate and politic known as the "Florida Development Finance Corporation." The corporation shall be constituted as a public instrumentality ~~of local government~~, and the exercise by the corporation of the powers conferred by this act shall be deemed and held to be the performance of an essential public function. The corporation has the power to function within the corporate limits of any public agency with which it has entered into an interlocal agreement for any of the purposes of this act.

~~(2) A city or county of Florida shall be selected by a search committee of Enterprise Florida, Inc. This city or county shall be authorized to activate the corporation. The search committee shall be composed of two commercial banking representatives, the Senate member of the partnership, the House of Representatives member of the partnership, and a member who is an industry or economic development professional.~~

(2)~~(3)~~ ~~Upon activation of the corporation,~~ The Governor, subject to confirmation by the Senate, shall appoint the board of directors of the corporation, who shall be five in number. The terms of office for the directors shall be for 4 years from the date of their appointment. A vacancy occurring during a term shall be filled for the unexpired term. A director shall be eligible for reappointment. At least three of the directors of the corporation shall be bankers who have been selected by the Governor from a list of bankers who were nominated by Enterprise Florida, Inc., and one of the directors shall be an economic development specialist. The chairperson of the Florida Black Business Investment Board shall be an ex officio member of the board of the corporation.

(3)~~(4)~~(a) A director shall receive no compensation for his or her services, but is entitled to the necessary expenses, including travel expenses, incurred in the discharge of his or her duties. Each director shall hold office until his or her successor has been appointed.

(b) The powers of the corporation shall be exercised by the directors thereof. A majority of the directors constitutes a quorum for the purposes of conducting business and exercising the powers of the corporation and for all other purposes. Action may be taken by the corporation upon a vote of a majority of the directors present, unless in any case the bylaws require a larger number. Any person may be appointed as director if he or she resides, or is engaged in business, which means owning a business, practicing a profession, or performing a service for compensation or serving as an officer or director of a corporation or other business entity so engaged, within the state.

(c) The directors of the corporation shall annually elect one of their members as chair and one as vice chair. The corporation may employ a president, technical experts, and such other agents and employees, permanent and temporary, as it requires and determine their qualifications, duties, and compensation. For such legal services as it requires, the corporation may employ or retain its own counsel and legal staff. The corporation shall file with the governing body of each public agency with which it has entered into an interlocal agreement and with the Governor, the Speaker of the House of Representatives, the President of the Senate, the Minority Leaders of the Senate and House of Representatives, and the Auditor General, on or before 90 days after the close of the fiscal year of the corporation, a report of its activities for the preceding fiscal year, which report shall include a complete financial statement setting forth its assets, liabilities, income, and operating expenses as of the end of such fiscal year.

(4)~~(5)~~ The board may remove a director for inefficiency, neglect of duty, or misconduct in office only after a hearing and only if he or she has been given a copy of the charges at least 10 days *before* ~~prior to~~ such hearing and has had an opportunity to be heard in person or by counsel. The removal of a director shall create a vacancy on the board which shall be filled pursuant to subsection *(4)* ~~(3)~~.

Section 5. Section 288.9605, Florida Statutes, is amended to read:

288.9605 Corporation powers.—

(1) The powers of the corporation created by s. 288.9604 shall include all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this act.

(2) The corporation is authorized and empowered to:

(a) Have perpetual succession as a body politic and corporate and adopt bylaws for the regulation of its affairs and the conduct of its business.

(b) Adopt an official seal and alter the same at its pleasure.

(c) Maintain an office at such place or places as it may designate.

(d) Sue and be sued in its own name and plead and be impleaded.

(e) Enter into interlocal agreements pursuant to s. 163.01(7) with public agencies of this state for the exercise of any power, privilege, or authority consistent with the purposes of this act.

(f) Issue, from time to time, revenue bonds, *notes, or other evidence of indebtedness,* including, but not limited to, *taxable bonds and* bonds the interest on which is exempt from federal income taxation, for the purpose of financing and refinancing any capital projects *that promote economic development within the state, thereby benefitting the citizens of the state,* ~~for applicants~~ and exercise all powers in connection with the authorization, issuance, and sale of bonds, subject to the provisions of s. 288.9606.

(g) Issue bond anticipation notes in connection with the authorization, issuance, and sale of such bonds, pursuant to the provisions of s. 288.9606.

(h) Make and execute contracts and other instruments necessary or convenient to the exercise of its powers under the act.

(i) Disseminate information about itself and its activities.

(j) Acquire, by purchase, lease, option, gift, grant, bequest, devise, or otherwise, real property, *together with any improvements thereon,* or personal property for its administrative purposes *or in furtherance of the purposes of this act*~~, together with any improvements thereon~~.

(k) Hold, improve, clear, or prepare for development any such property.

(l) Mortgage, pledge, hypothecate, or otherwise encumber or dispose of any real or personal property.

(m) Insure or provide for insurance of any real or personal property or operations of the corporation or any private enterprise against any risks or hazards, including the power to pay premiums on any such insurance.

(n) Establish and fund a guaranty fund *in furtherance of the purposes of this act*.

(o) Invest funds held in reserve or sinking funds or any such funds not required for immediate disbursement in property or securities in such manner as the board shall determine, subject to the authorizing resolution on any bonds issued, and to terms established in the investment agreement pursuant to ss. 288.9606, 288.9607, and 288.9608, and redeem such bonds as have been issued pursuant to s. 288.9606 at the redemption price established therein or purchase such bonds at less than redemption price, all such bonds so redeemed or purchased to be canceled.

(p) Borrow money and apply for and accept advances, loans, grants, contributions, and any other form of financial assistance from the Federal Government or the state, county, or other public *agency* ~~body~~ or from any sources, public or private, for the purposes of this act and give such security as may be required and enter into and carry out contracts or agreements in connection therewith; and include in any contract for financial assistance with the Federal Government *or the state, county, or other public agency* for, or with respect to, any purposes under this act and related activities such conditions imposed pursuant to federal laws as the county or municipality *or other public agency* deems reasonable and appropriate which are not inconsistent with the provisions of this act.

(q) Make or have all surveys and plans necessary for the carrying out of the purposes of this act, contract with any person, public or private, in making and carrying out such plans, and adopt, approve, modify, and amend such plans.

(r) Develop, test, and report methods and techniques and carry out demonstrations and other activities for the promotion of any of the purposes of this act.

(s) Apply for, accept, and utilize grants from the Federal Government *or the state, county, or other public agency* available for any of the purposes of this act.

(t) Make expenditures necessary to carry out the purposes of this act.

(u) Exercise all or any part or combination of powers granted in this act.

(v) Enter into investment agreements with the Florida Black Business Investment Board concerning the issuance of bonds and other forms of indebtedness and capital for the purposes of ss. 288.707-288.714.

(w) Determine the situations and circumstances for participation in partnerships by agreement with local governments, financial institutions, and others associated with the redevelopment of brownfield areas pursuant to the Brownfields Redevelopment Act for a limited state guaranty of revenue bonds, loan guarantees, or loan loss reserves.

Section 6. Subsections (3) and (5) of section 288.9606, Florida Statutes, are amended, and subsection (7) is added to that section, to read:

288.9606 Issue of revenue bonds.—

(3) Bonds issued under this section shall be authorized by a public agency of this state pursuant to the terms of an interlocal agreement*, unless such bonds are issued pursuant to subsection (7)*; may be issued in one or more series; and shall bear such date or dates, be payable upon demand or mature at such time or times, bear interest rate or rates, be in such denomination or denominations, be in such form either with or without coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payments at such place or places, be subject to such terms of redemption, with or without premium, be secured in such manner, and have such other characteristics as may be provided by the *corporation* ~~interlocal agreement issued pursuant thereto~~. Bonds issued under this section may be sold in such manner, either at public or private sale, and for such price as the corporation may determine will effectuate the purpose of this act.

(5) In any suit, action, or proceeding involving the validity or enforceability of any bond issued under this act, or the security therefor, any such bond reciting in substance that it has been issued by the corporation in connection with any purpose of the act shall be conclusively deemed to have been issued for such purpose, and such purpose shall be conclusively deemed to have been carried out in accordance with the act. The complaint in any action to validate such bonds shall be filed only in the Circuit Court for Leon County. The notice required to be published by s. 75.06 shall be published only in Leon County, and the complaint and order of the circuit court shall be served only on the State Attorney of the Second Judicial Circuit and on the state attorney of each circuit in each county where the public agencies which were initially a party to the interlocal agreement are located. Notice of such proceedings shall be published in the manner and the time required by s. 75.06, in Leon County and in each county where the public agencies which were initially a party to the interlocal agreement are located. Obligations of the corporation pursuant to a loan agreement as described in this subsection may be validated as provided in chapter 75. The validation of at least the first bonds approved by the corporation shall be appealed to the Florida Supreme Court. ~~The complaint in the validation proceeding shall specifically address the constitutionality of using the investment of the earnings accrued and collected upon the investment of the minimum balance funds required to be maintained in the State Transportation Trust Fund to guarantee such bonds. If such proceeding results in an adverse ruling and such bonds and guaranty are found to be unconstitutional, invalid, or unenforceable, then the corporation shall no longer be authorized to use the investment of the earnings accrued and collected upon the investment of the minimum balance of the State Transportation Trust Fund to guarantee any bonds.~~

(7) Notwithstanding any provision of this section, the corporation in its corporate capacity may, without authorization from a public agency under s. 163.01(7), issue revenue bonds or other evidence of indebtedness under this section to:

(a) Finance the undertaking of any project within the state that promotes renewable energy as defined in s. 377.803 or s. 366.91;

(b) Finance the undertaking of any project within the state that is a project contemplated or allowed under s. 406 of the American Recovery and Reinvestment Act of 2009; or

(c) If permitted by federal law, finance qualifying improvement projects within the state under s. 163.08.

Section 7. Section 288.9607, Florida Statutes, is amended to read:

288.9607 Guaranty of bond issues.—

(1) The corporation *may* ~~is hereby authorized to~~ approve or deny, by a majority vote of the membership of the directors, *a guaranty of debt service payments for bonds or other indebtedness used to finance any capital project that promotes economic development in the state, including, but not limited to, those capital projects for which revenue bonds are* ~~the guaranty of any revenue bonds~~ issued *under* ~~pursuant to~~ this act*, if any such guaranty does not exceed 5 percent of the total aggregate principal amount of bonds or other indebtedness relating to any one capital project. The corporation may also use moneys deposited into the Energy, Technology, and Economic Development Guaranty Fund to satisfy requirements to obtain federal loan guarantees for capital projects authorized pursuant to this section.* ~~The guaranty may also be of the obligations of the corporation with respect to any letter of credit, bond insurance, or other form of credit enhancement provided by any person with respect to any revenue bonds issued by the corporation pursuant to this act.~~

(2) Any applicant ~~for financing from the corporation,~~ requesting a guaranty of ~~the bonds issued by~~ the corporation under this act must submit a guaranty application, in a form acceptable to the corporation, together with supporting documentation to the corporation as provided in this section.

(3) All applicants which have entered into a guaranty agreement with the corporation shall pay a guaranty premium on such terms and at such rates as the corporation shall determine *before* ~~prior to~~ the issuance of the *guaranty* ~~bonds~~. The corporation may adopt such guaranty premium structures as it deems appropriate, including, without limitation, guaranty premiums which are payable one time upon the issuance of *the guaranty* ~~bonds~~ or annual premiums payable upon the outstanding principal balance of bonds *or other indebtedness that is guaranteed* from time to time. The premium payment may be collected by the corporation from *any* ~~the~~ lessee of the project involved, from the applicant, or from any other payee of *any* ~~the~~ loan agreement involved.

(4) All applications for a guaranty must acknowledge that as a condition to the issuance of the guaranty, the *corporation may require that the* financing must be secured by a mortgage or security interest on the property acquired which will have such priority over other liens on such property as may be required by the corporation, and that the financing must be guaranteed by such person or persons with such ownership interest in the applicant as may be required by the corporation.

(5) Personal financial records, trade secrets, or proprietary information of applicants *delivered to or obtained by the corporation* shall be confidential and exempt from the provisions of s. 119.07(1).

(6) If the application for a guaranty is approved by the corporation, the corporation and the applicant shall enter into a guaranty agreement. In accordance with the provisions of the guaranty agreement, the corporation guarantees to use the funds on deposit in its *Energy, Technology, and Economic Development Guaranty Fund* ~~Revenue Bond Guaranty Reserve Account~~ to meet *debt service* ~~amortization~~ payments on the bonds *or indebtedness* as they become due, in the event and to the extent that the applicant is unable to meet such payments ~~in accordance with the terms of the bond indenture when called to do so by the trustee of the bondholders~~, or to make similar payments to reimburse any person which has provided credit enhancement for the bonds and which has advanced funds to meet such *debt service* ~~amortization~~ payments as they become due*, if such guaranty of the corporation is limited to 5 percent of the total aggregate principal amount of bonds or other indebtedness relating to any one capital project. The corporation may also use moneys deposited in the Energy, Technology, and Economic Development Guaranty Fund to satisfy requirements to obtain federal loan guarantees for capital projects authorized under this section.* If the applicant defaults on *debt service* ~~bond amortization~~ payments, the corporation may use funds on deposit in the *Energy, Technology, and Economic Development Guaranty Fund* ~~Revenue Bond Guaranty Reserve Account~~ to pay insurance, maintenance, and other costs which may be required for the preservation of any *capital* project or other collateral security for any bond *or indebtedness issued to finance a capital project for which debt service payments are guaranteed by the corporation* ~~issued by the corporation, or to otherwise protect the reserve account from loss, or to minimize losses to the reserve account, in each case~~ in such manner as may be deemed necessary and advisable by the corporation.

(7)~~(a) The corporation is authorized to enter into an investment agreement with the Department of Transportation and the State Board of Administration concerning the investment of the earnings accrued and collected upon the investment of the minimum balance of funds required to be maintained in the State Transportation Trust Fund pursuant to s. 339.135(6)(b). Such investment shall be limited as follows:~~

~~1. Not more than $4 million of the investment earnings earned on the investment of the minimum balance of the State Transportation Trust Fund in a fiscal year shall be at risk at any time on one or more bonds or series of bonds issued by the corporation.~~

~~2. The investment earnings shall not be used to guarantee any bonds issued after June 30, 1998, and in no event shall the investment earnings be used to guarantee any bond issued for a maturity longer than 15 years.~~

~~3. The corporation shall pay a reasonable fee, set by the State Board of Administration, in return for the investment of such funds. The fee shall not be less than the comparable rate for similar investments in terms of size and risk.~~

~~4. The proceeds of bonds, or portions thereof, issued by the corporation for which a guaranty has been or will be issued pursuant to s. 288.9606, s. 288.9608, or this section used to make loans to any one person, including any related interests, as defined in s. 658.48, of such person, shall not exceed 20 percent of the principal of all such outstanding bonds of the corporation issued prior to the first composite bond issue of the corporation, or December 31, 1995, whichever comes first, and shall not exceed 15 percent of the principal of all such outstanding bonds of the corporation issued thereafter, in each case determined as of the date of issuance of the bonds for which such determination is being made and taking into account the principal amount of such bonds to be issued. The provisions of this subparagraph shall not apply when the total amount of all such outstanding bonds issued by the corporation is less than $10 million. For the purpose of calculating the limits imposed by the provisions of this subparagraph, the first $10 million of bonds issued by the corporation shall be taken into account.~~

~~5. The corporation shall establish a debt service reserve account which contains not less than 6 months' debt service reserves from the proceeds of the sale of any bonds, or portions thereof, guaranteed by the corporation.~~

~~6. The corporation shall establish an account known as the Revenue Bond Guaranty Reserve Account, the Guaranty Fund. The corporation shall deposit a sum of money or other cash equivalents into this fund and maintain a balance of money or cash equivalents in this fund, from sources other than the investment of earnings accrued and collected upon the investment of the minimum balance of funds required to be maintained in the State Transportation Trust Fund, not less than a sum equal to 1 year of maximum debt service on all outstanding bonds, or portions thereof, of the corporation for which a guaranty has been issued pursuant to ss. 288.9606, 288.9607, and 288.9608. In the event the corporation fails to maintain the balance required pursuant to this subparagraph for any reason other than a default on a bond issue of the corporation guaranteed pursuant to this section or because of the use by the corporation of any such funds to pay insurance, maintenance, or other costs which may be required for the preservation of any project or other collateral security for any bond issued by the corporation, or to otherwise protect the Revenue Bond Guaranty Reserve Account from loss while the applicant is in default on amortization payments, or to minimize losses to the reserve account in each case in such manner as may be deemed necessary or advisable by the corporation, the corporation shall immediately notify the Department of Transportation of such deficiency. Any supplemental funding authorized by an investment agreement entered into with the Department of Transportation and the State Board of Administration concerning the use of investment earnings of the minimum balance of funds is void unless such deficiency of funds is cured by the corporation within 90 days after the corporation has notified the Department of Transportation of such deficiency.~~

~~(b) Unless specifically prohibited in the General Appropriations Act, the earnings accrued and collected upon the investment of the minimum~~

~~balance of funds required to be maintained in the State Transportation Trust Fund may continue to be used pursuant to paragraph (a).~~

~~(c)~~ The guaranty *is* ~~shall~~ not ~~be~~ a general obligation of the corporation or of the state, but *is* ~~shall be~~ a special obligation, which constitutes the investment of a public trust fund. In no event shall the guaranty constitute an indebtedness of the corporation, the state ~~of Florida~~, or any political subdivision thereof within the meaning of any constitutional or statutory limitation. Each guaranty agreement shall have plainly stated on the face thereof that it has been entered into under the provisions of this act and that it does not constitute an indebtedness of the corporation, the state, or any political subdivision thereof within any constitutional or statutory limitation, and that neither the full faith and credit of the state ~~of Florida~~ nor any of its revenues is pledged to meet any of the obligations of the corporation under such guaranty agreement. Each such agreement shall state that the obligation of the corporation under the guaranty shall be limited to the funds available in the *Energy, Technology, and Economic Development Guaranty Fund* ~~Revenue Bond Guaranty Reserve Account~~ as authorized by this section.

~~The corporation shall include, as part of the annual report prepared pursuant to s. 288.9610, a detailed report concerning the use of guaranteed bond proceeds for loans guaranteed or issued pursuant to any agreement with the Florida Black Business Investment Board, including the percentage of such loans guaranteed or issued and the total volume of such loans guaranteed or issued.~~

(8) In the event the corporation does not approve the application for a guaranty, the applicant shall be notified in writing of the corporation's determination that the application not be approved.

(9) The membership of the corporation is authorized and directed to conduct such investigation as it may deem necessary for promulgation of regulations to govern the operation of the guaranty program authorized by this section. The regulations may include such other additional provisions, restrictions, and conditions as the corporation, after its investigation referred to in this subsection, shall determine to be proper to achieve the most effective utilization of the guaranty program. This may include, without limitation, a detailing of the remedies that must be exhausted by ~~the~~ bondholders, ~~or~~ a trustee acting on their behalf, *or other credit provided before* ~~prior to~~ calling upon the corporation to perform under its guaranty agreement and the subrogation of other rights of the corporation with reference to the *capital* project and its operation or the financing in the event the corporation makes payment pursuant to the applicable guaranty agreement. The regulations promulgated by the corporation to govern the operation of the guaranty program *may* ~~shall~~ contain specific provisions with respect to the rights of the corporation to enter, take over, and manage all financed properties upon default. These regulations shall *be submitted by* ~~set forth the respective rights of~~ the corporation *to the Florida Energy and Climate Commission for approval* ~~and the bondholders in regard thereto~~.

(10) The guaranty program described in this section may be used by the corporation in conjunction with any federal guaranty programs described in s. 406 of the American Recovery and Reinvestment Act of 2009. All policies, procedures, and regulations of the guaranty program adopted by the corporation, to the extent such guaranty program of the corporation is used in conjunction with a federal guaranty program described in s. 406 of the American Recovery and Reinvestment Act of 2009, must be consistent with s. 406 of the American Recovery and Reinvestment Act of 2009.

Section 8. Section 288.9608, Florida Statutes, is amended to read:

288.9608 Creation and funding of the *Energy, Technology, and Economic Development Guaranty Fund* ~~guaranty account~~.—

(1) ~~The corporation shall establish a debt service reserve account which contains not less than 6 months' debt service reserves from the proceeds of the sale of any bonds guaranteed by the corporation. Funds in such debt service reserve account shall be used prior to funds in the Revenue Bond Guaranty Reserve Account established in subsection (2). The corporation shall make best efforts to liquidate collateralized property and draw upon personal guarantees, and shall utilize the Revenue Bond Guaranty Reserve Account prior to use of supplemental funding for the Guaranty Reserve Account under the provisions of subsection (3).~~

~~(2)(a)~~ The corporation shall establish an account known as the *Energy, Technology, and Economic Development Guaranty Fund* ~~Revenue Bond Guaranty Reserve Account, the Guaranty Fund~~. The corporation *may* ~~shall~~ deposit *moneys* ~~a sum of money~~ or other cash equivalents into *the* ~~this~~ fund and maintain a balance in *the* ~~this~~ fund, from *general revenue funds of the state as are authorized for that purpose or any other designated funding sources not inconsistent with state law* ~~sources other than the State Transportation Trust Fund, not less than a sum equal to 1 year of maximum debt service on all outstanding bonds, or portions thereof, of the corporation for which a guaranty has been issued pursuant to ss. 288.9606, 288.9607, and 288.9608~~.

(2)~~(b)~~ If the corporation determines that the moneys in the guaranty *agreement* fund are not sufficient to meet the obligations of the guaranty *agreement* fund, the corporation is authorized to use the necessary amount of any available moneys that it may have which are not needed for, then or in the foreseeable future, or committed to other authorized functions and purposes of the corporation. Any such moneys so used may be reimbursed out of the guaranty *agreement* fund if and when there are moneys therein available for the purpose.

(3)~~(c)~~ The determination of when additional moneys will be needed for the guaranty *agreement* fund, the amounts that will be needed, and the availability or unavailability of other moneys shall be made solely by the corporation in the exercise of its discretion. ~~However, supplemental funding for the Guaranty Fund as described in subsection (3) shall be made in accordance with the investment agreement of the corporation and the Department of Transportation and the State Board of Administration.~~

~~(3)(a) If the corporation determines that the funds in the Guaranty Fund will not be sufficient to meet the present or reasonably projected obligations of the Guaranty Fund, due to a default on a loan made by the corporation from the proceeds of a bond issued by the corporation which is guaranteed pursuant to s. 288.9607(7), no later than 90 days before amortization payments are due on such bonds, the corporation shall notify the Secretary of Transportation and the State Board of Administration of the amount of funds required to meet, as and when due, all amortization payments for which the Guaranty Fund is obligated. The Secretary of Transportation shall immediately notify the Speaker of the House of Representatives, the President of the Senate, and the chairs of the Senate and House Committees on Appropriations of the amount of funds required, and the projected impact on each affected year of the adopted work program of the Department of Transportation.~~

~~(b) Within 30 days of the receipt of notification from the corporation, the Department of Transportation shall submit a budget amendment request to the Executive Office of the Governor pursuant to chapter 216, to increase budget authority to carry out the purposes of this section. Upon approval of said amendment, the department shall proceed to amend the adopted work program, if necessary, in accordance with the amendment. Within 60 days of the receipt of notification, and subject to approval of the budget authority, the Secretary of Transportation shall transfer, subject to the amount available from the source described in paragraph (c), the amount of funds requested by the corporation required to meet, as and when due, all amortization payments for which the Guaranty Fund is obligated. Any moneys so transferred shall be reimbursed to the Department of Transportation, with interest at the rate earned on investment by the State Treasury, from the funds available in the Guaranty Fund or as otherwise available to the corporation.~~

~~(c) Pursuant to s. 288.9607(7), the Secretary of Transportation and the State Board of Administration may make available for transfer to the Guaranty Fund, earnings accrued and collected upon the investment of the minimum balance of funds required to be maintained in the State Transportation Trust Fund. However, the earnings accrued and collected upon the investment of the minimum balance of funds required to be maintained in the State Transportation Trust Fund which shall be subject to transfer shall be limited to those earnings accrued and collected on the investment of the minimum balance of funds required to be maintained in the State Transportation Trust Fund for the fiscal year in which the notification is received by the secretary and fiscal years thereafter.~~

~~(4) If the corporation receives supplemental funding for the Guaranty Fund under the provisions of this section, then any proceeds received by the corporation with respect to a loan in default, including proceeds from~~

~~the sale of collateral for such loan, enforcement of personal guarantees or other pledges to the corporation to secure such loan, shall first be applied to the obligation of the corporation to repay the Department of Transportation pursuant to this section. Until such repayment is complete, no new bonds may be guaranteed pursuant to this section.~~

~~(5) Prior to the use of the guaranty provided in this section, and on an annual basis, the corporation must certify in writing to the State Board of Administration and the Secretary of Transportation that it has fully implemented the requirements of this section and s. 288.9607 and the regulations of the corporation.~~

Section 9. Section 288.9609, Florida Statutes, is amended to read:

288.9609 Bonds as legal investments.—All banks, trust companies, bankers, savings banks and institutions, building and loan associations, savings and loan associations, investment companies, and other persons carrying on a banking and investment business; all insurance companies, insurance associations, and other persons carrying on an insurance business; and all executors, administrators, curators, trustees, and other fiduciaries may legally invest any sinking funds, moneys, or other funds belonging to them or within their control in any bonds or other obligations issued by the corporation ~~pursuant to an interlocal agreement with a public agency of this state~~. Such bonds and obligations shall be authorized security for all public deposits. It is the purpose of this section to authorize all persons, political subdivisions, and officers, public and private, to use any funds owned or controlled by them for the purchase of any such bonds or other obligations. Nothing contained in this section with regard to legal investments shall be construed as relieving any person of any duty of exercising reasonable care in selecting securities.

Section 10. Section 288.9610, Florida Statutes, is amended to read:

288.9610 Annual reports of Florida Development Finance Corporation.—By December 1 of each year, the Florida Development Finance Corporation shall submit to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Senate Minority Leader, *and* the House Minority Leader~~, and the city or county activating the Florida Development Finance Corporation~~ a complete and detailed report setting forth:

(1) The evaluation required in s. 11.45(3)(j).

(2) The operations and accomplishments of the Florida Development Finance Corporation, including the number of businesses assisted by the corporation.

(3) Its assets and liabilities at the end of its most recent fiscal year, including a description of all of its outstanding revenue bonds.

Section 11. Subsection (4) of section 206.46, Florida Statutes, is amended to read:

206.46 State Transportation Trust Fund.—

(4) The department may authorize the investment of the earnings accrued and collected upon the investment of the minimum balance of funds required to be maintained in the State Transportation Trust Fund pursuant to s. 339.135(6)(b). ~~Such investment shall be limited as provided in s. 288.9607(7).~~

Section 12. Subsection (14) of section 215.47, Florida Statutes, is amended to read:

215.47 Investments; authorized securities; loan of securities.—Subject to the limitations and conditions of the State Constitution or of the trust agreement relating to a trust fund, moneys available for investments under ss. 215.44-215.53 may be invested as follows:

(14) The State Board of Administration, consistent with sound investment policy, may invest the earnings accrued and collected upon the investment of the minimum balance of funds required to be maintained in the State Transportation Trust Fund pursuant to s. 339.135(6)(b). ~~Such investment shall be limited as provided in s. 288.9607(7).~~

Section 13. Subsection (3) of section 339.08, Florida Statutes, is amended to read:

339.08 Use of moneys in State Transportation Trust Fund.—

(3) The department may authorize the investment of the earnings accrued and collected upon the investment of the minimum balance of funds required to be maintained in the State Transportation Trust Fund pursuant to s. 339.135(6)(b). ~~Such investment shall be limited as provided in s. 288.9607(7).~~

Section 14. Paragraph (f) of subsection (7) of section 339.135, Florida Statutes, is amended to read:

339.135 Work program; legislative budget request; definitions; preparation, adoption, execution, and amendment.—

(7) AMENDMENT OF THE ADOPTED WORK PROGRAM.—

(f) The department may authorize the investment of the earnings accrued and collected upon the investment of the minimum balance of funds required to be maintained in the State Transportation Trust Fund pursuant to paragraph (b). ~~Such investment shall be limited as provided in s. 288.9607(7).~~

Section 15. *(1) The Legislature finds that the ability of the pilot communities designated under the Energy Economic Zone Pilot Program pursuant to s. 377.809, Florida Statutes, to provide incentives is essential to these communities attracting clean technology industries and investments to the state and establishing the base information necessary to assess whether to revise state policies and expand the pilot program to other communities.*

(2) By February 1, 2011, the Department of Community Affairs and the Office of Tourism, Trade, and Economic Development, in consultation with the Florida Energy and Climate Commission, shall submit recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives of appropriate incentives and statutory revisions necessary to provide the pilot communities with the tools for accomplishing the goals of the pilot program. In developing their recommendations, the Department of Community Affairs and the Office of Tourism, Trade, and Economic Development, at a minimum, shall consider:

(a) Fiscal and regulatory incentives.

(b) A jobs tax credit and corporate property tax credit pursuant to chapter 220, Florida Statutes.

(c) Refunds and exemptions from the sales and use tax in chapter 212, Florida Statutes, for job creation, building materials, business property, and products used for clean technology industries and investments within the designated energy economic zones.

(3) The Department of Community Affairs and the Office of Tourism, Trade, and Economic Development shall also coordinate with the pilot communities and clean technology industries in identifying incentives and strategies that will help attract emerging clean technology industries and investments to the state.

And the title is amended as follows:

Delete line 36 and insert: local government's home rule authority; amending ss. 288.9602 and 288.9603, F.S.; revising legislative findings and declarations and definitions for purposes of the Florida Development Finance Corporation Act; amending s. 288.9604, F.S.; revising requirements for the establishment and organization of the Florida Development Finance Corporation; amending s. 288.9605, F.S.; revising the powers of the corporation; amending s. 288.9606, F.S.; revising requirements for the corporation's issuance of revenue bonds; amending s. 288.9607, F.S.; limiting the corporation's approval of guaranties for debt service for bonds or other indebtedness for any one capital project; deleting provisions for the corporation's investment of certain funds in the State Transportation Trust Fund; authorizing guarantees to be used in conjunction with federal guaranty programs; amending s. 288.9608, F.S.; creating the Energy, Technology, and Economic Development Guaranty Fund; providing for the deposit and use of certain moneys in the fund; deleting requirements for the corporation's debt service reserve account and Revenue Bond Guaranty Reserve Account; amending ss. 288.9609, 288.9610, 206.46, 215.47, 339.08, and 339.135, F.S.; conforming provisions to changes made by the act; providing legislative findings; requiring the Department of Community Affairs and the Office of Tourism, Trade, and Economic Development, in consultation with the Florida Energy and Climate Commission, to submit recommendations to the

Governor and Legislature relating to the Energy Economic Zone Pilot Program; requiring coordination with the pilot communities and clean technology industries in identifying certain incentives and strategies; providing an effective date.

On motion by Senator Bennett, further consideration of **CS for HB 7179** as amended was deferred.

CS for SB 2560—A bill to be entitled An act relating to the offense of sexting; providing that a minor commits the offense of sexting if he or she knowingly uses a computer, or any other device capable of electronic data transmission or distribution, to transmit or distribute to another minor any photograph or video of himself or herself which depicts nudity and is harmful to minors; providing noncriminal and criminal penalties; providing that the act does not prohibit prosecution of a minor for conduct relating to material that includes the depiction of sexual conduct or sexual excitement or for stalking; defining the term "found to have committed a misdemeanor"; providing an effective date.

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

On motion by Senator Aronberg, **CS for SB 2560** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

CS for SB 522—A bill to be entitled An act relating to the use of an electronic wireless communications device while driving; providing a short title; creating s. 316.3035, F.S.; prohibiting a person younger than 18 years of age from operating a motor vehicle while using a wireless communications device or telephone; providing exceptions; providing for enforcement as a secondary action; providing penalties; amending s. 322.27, F.S.; providing for the suspension of a person's driver's license for a violation of s. 316.3035, F.S.; providing an effective date.

—was read the third time by title.

On motion by Senator Gelber, **CS for SB 522** was passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—2

Dockery	Negron

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Jeff Atwater, President

I am directed to inform the Senate that the House of Representatives has passed **CS for CS for CS for SB 550**, with 5 amendments, and requests the concurrence of the Senate.

Robert L. "Bob" Ward, Clerk

CS for CS for CS for SB 550—A bill to be entitled An act relating to environmental protection; creating part VII of ch. 373, F.S., relating to water supply policy, planning, production, and funding; providing a declaration of policy; providing for the general powers and duties of water management district governing boards; requiring the Department of Environmental Protection to develop the Florida water supply plan; providing components of the plan; requiring water management district governing boards to develop water supply plans for their respective regions; providing components of district water supply plans; providing legislative findings and intent with respect to water resource development and water supply development; requiring water management districts to fund and implement water resource development; specifying water supply development projects that are eligible to receive priority consideration for state or water management district funding assistance; encouraging cooperation in the development of water supplies; providing for alternative water supply development; encouraging municipalities, counties, and special districts to create regional water supply authorities; establishing the primary roles of the water management districts in alternative water supply development; establishing the primary roles of local governments, regional water supply authorities, special districts, and publicly owned and privately owned water utilities in alternative water supply development; requiring the water management districts to detail the specific allocations to be used for alternative water supply development in their annual budget submission; requiring that the water management districts include the amount needed to implement the water supply development projects in each annual budget; establishing general funding criteria for funding assistance to the state or water management districts; establishing economic incentives for alternative water supply development; providing a funding formula for the distribution of state funds to the water management districts for alternative water supply development; requiring that funding assistance for alternative water supply development be limited to a percentage of the total capital costs of an approved project; establishing a selection process and criteria; providing for cost recovery from the Public Service Commission; requiring a water management district governing board to conduct water supply planning for each region identified in the district water supply plan; providing procedures and requirements with respect to regional water supply plans; providing for joint development of a specified water supply development component of a regional water supply plan within the boundaries of the Southwest Florida Water Management District; providing that approval of a regional water supply plan is not subject to the rulemaking requirements of the Administrative Procedure Act; requiring the department to submit annual reports on the status of regional water supply planning in each district; providing for construction with respect to the water supply development component of a regional water supply plan; requiring water management districts to present to certain entities the relevant portions of a regional water supply plan; requiring certain entities to provide written notification to water management districts as to the implementation of water supply project options; requiring water management districts to notify local governments of the need for alternative water supply projects; requiring water management districts to assist local governments in the development and future revision of local government comprehensive plan elements or public facilities reports related to water resource issues; providing for the creation of regional water supply authorities; providing purpose of such authorities; specifying considerations with respect to the creation of a proposed authority; specifying authority of a regional water supply authority; providing authority of specified entities to convey title, dedicate land, or grant land-use rights to a regional water supply authority for specified purposes; providing preferential rights of counties and municipalities to purchase water from regional water supply authorities; providing an exemption for specified water supply

authorities from consideration of certain factors and submissions; providing applicability of such exemptions; authorizing the West Coast Regional Water Supply Authority and its member governments to reconstitute the authority's governance and rename the authority under a voluntary interlocal agreement; providing compliance requirements with respect to the interlocal agreement; providing for supersession of conflicting general or special laws; providing requirements with respect to annual budgets; specifying the annual millage for the authority; authorizing the authority to request the governing board of the district to levy ad valorem taxes within the boundaries of the authority to finance authority functions; providing requirements and procedures with respect to the collection of such taxes; amending ss. 120.52, 163.3167, 163.3177, 163.3191, 189.404, 189.4155, 189.4156, and 367.021, F.S.; conforming cross-references and removing obsolete provisions; amending ss. 373.036, 373.0363, 373.0421, 373.0695, 373.223, 373.2234, 373.229, 373.236, 373.536, 373.59, 378.212, 378.404, 403.0891, 403.890, 403.891, and 682.02, F.S.; conforming cross-references and removing obsolete provisions; renumbering s. 373.71, F.S.; relating to the Apalachicola-Chattahoochee-Flint River Basin Compact, to clarify retention of the section in part VI of ch. 373, F.S.; repealing s. 373.0361, F.S., relating to regional water supply planning; repealing s. 373.0391, F.S., relating to technical assistance to local governments; repealing s. 373.0831, F.S., relating to water resource and water supply development; repealing s. 373.196, F.S., relating to alternative water supply development; repealing s. 373.1961, F.S., relating to water production and related powers and duties of water management districts; repealing s. 373.1962, F.S., relating to regional water supply authorities; repealing s. 373.1963, F.S., relating to assistance to the West Coast Regional Water Supply Authority; amending s. 373.1961, F.S.; expanding alternative water supply funding to include quantifiable conservation projects; adding a high-water recharge criterion to the ranking criteria for water projects; amending s. 373.414, F.S.; adding limestone extraction operations to activities in surface waters and wetlands that require mitigation; amending s. 378.901, F.S.; allowing life-of-the-mine permits for limestone extraction operations; providing authority for local governments to impose different permit restrictions; amending s. 373.41492, F.S.; updating mitigation fees for the Miami-Dade Lake Belt Mitigation Plan; amending s. 215.619, F.S.; authorizing the issuance of bonds to be used to finance the management of sewage facilities in the Florida Keys Area of Critical State Concern; amending s. 380.0552, F.S.; revising legislative intent relating to the designation of the Florida Keys as an area of critical state concern; revising the procedures for removing the designation; providing for administrative review of such removal rather than judicial review; authorizing the Administration Commission to adopt rules or revise existing rules; revising the principles guiding development; revising compliance requirements for reviewing comprehensive plan amendments; amending s. 381.0065, F.S.; providing additional legislative intent; providing additional requirements for onsite sewage treatment and disposal systems in Monroe County; directing the Department of Health to create and administer a statewide septic tank evaluation program; providing procedures and criteria for the evaluation program; prohibiting the land application of septage after January 1, 2016; creating s. 381.00656, F.S.; providing for a low-income grant program for septic tank maintenance and replacement; amending s. 381.0066, F.S.; authorizing the Department of Health to collect an evaluation report fee; requiring such fees to be revenue neutral; amending s. 403.086, F.S.; requiring the Department of Environmental Protection to submit a report on the effects of reclaimed water use; clarifying reuse requirements for domestic wastewater facilities that discharge through ocean outfalls; clarifying reuse requirements for domestic wastewater facilities that divert wastewater from facilities discharging through ocean outfalls; providing legislative findings and discharge requirements for wastewater facilities in Monroe County; repealing sections 4, 5, and 6 of chapter 99-395, Laws of Florida, as amended, relating to sewage treatment in the Florida Keys; amending s. 403.1835, F.S.; conforming terms to changes made to the Florida Water Pollution Control Financing Corporation; amending s. 403.1837, F.S.; expanding the purview of the corporation to include loans made from the drinking water state revolving loan fund; providing conforming changes; amending s. 403.8532, F.S.; providing definitions for the terms "bonds" and "corporation"; providing conforming changes; authorizing the Department of Environmental Protection to adopt certain rules; amending s. 403.8533, F.S.; revising the purposes for the Drinking Water Revolving Loan Trust Fund; providing that the trust fund is exempt from the termination provisions of the State Constitution; amending s. 369.317, F.S.; clarifying mitigation offsets in the Wekiva Study Area; amending s. 553.77, F.S.; directing the Florida Building Commission to recommend products that result in water conservation; amending s. 215.47, F.S.; authorizing the State Board of Administration to make investments in alternative water supply and water resource development projects; amending s. 373.129, F.S.; requiring the water management districts to submit to alternative dispute resolution in conflicts with other governmental entities; amending s. 403.707, F.S.; requiring liners for new landfills and expansions of existing landfills not yet permitted that will accept construction and demolition debris; amending s. 298.66, F.S.; clarifying penalties for people who damage drainage works constructed or maintained by a water management district; providing legislative intent that there are no substantive changes in the reorganization ch. 373, F.S.; providing legislative intent that substantive changes affecting repealed sections of law relating to the reorganization of ch. 373, F.S., shall be given full force and effect; providing an effective date.

House Amendment 1 (473419) (with title amendment)—Remove line 2553 and insert: than every *2* ~~5~~ years thereafter, the interagency committee shall

And the title is amended as follows:

Remove line 136 and insert: Miami-Dade Lake Belt Mitigation Plan; revising provisions requiring the interagency committee to submit a report regarding mitigation fees to the Legislature; amending s.

House Amendment 3 (565511) (with title amendment)—Remove lines 4032-4041

And the title is amended as follows:

Remove lines 188-191 and insert: mitigation offsets in the Wekiva Study Area; amending s. 215.47, F.S.; authorizing

House Amendment 4 (282919) (with title amendment)—Between lines 4128 and 4129, insert:

Section 51. Subsection (1) of section 373.0361, Florida Statutes, is amended to read:

373.0361 Regional water supply planning.—

(1) The governing board of each water management district shall conduct water supply planning for any water supply planning region within the district identified in the appropriate district water supply plan under s. 373.036, where it determines that existing sources of water are not adequate to supply water for all existing and future reasonable-beneficial uses and to sustain the water resources and related natural systems for the planning period. The planning must be conducted in an open public process, in coordination and cooperation with local governments, regional water supply authorities, government-owned and privately owned water *and wastewater* utilities, multijurisdictional water supply entities, self-suppliers, *reuse utilities, the department,* and other affected and interested parties. The districts shall actively engage in public education and outreach to all affected local entities and their officials, as well as members of the public, in the planning process and in seeking input. During preparation, but prior to completion of the regional water supply plan, the district must conduct at least one public workshop to discuss the technical data and modeling tools anticipated to be used to support the regional water supply plan. The district shall also hold several public meetings to communicate the status, overall conceptual intent, and impacts of the plan on existing and future reasonable-beneficial uses and related natural systems. During the planning process, a local government may choose to prepare its own water supply assessment to determine if existing water sources are adequate to meet existing and projected reasonable-beneficial needs of the local government while sustaining water resources and related natural systems. The local government shall submit such assessment, including the data and methodology used, to the district. The district shall consider the local government's assessment during the formation of the plan. A determination by the governing board that initiation of a regional water supply plan for a specific planning region is not needed pursuant to this section shall be subject to s. 120.569. The governing board shall reevaluate such a determination at least once every 5 years and shall initiate a regional water supply plan, if needed, pursuant to this subsection.

Section 52. Subsection (4) of section 373.079, Florida Statutes, is amended to read:

373.079 Members of governing board; oath of office; staff.—

(4)~~(a)~~ The governing board of the district *shall* ~~is authorized to~~ employ*:*

(a) An executive director, ombudsman, and such engineers, other professional persons, and other personnel and assistants as it deems necessary and under such terms and conditions as it may determine and to terminate such employment. The appointment of an executive director by the governing board is subject to approval by the Governor and must be initially confirmed by the ~~Florida~~ Senate. The governing board may delegate all or part of its authority under this paragraph to the executive director. However, the governing board shall delegate to the executive director all of its authority to take final action on permit applications under ~~part II or~~ part IV or petitions for variances or waivers of permitting requirements under ~~part II or~~ part IV~~, except for denials of such actions as provided in s. 373.083(5)~~.

1. The executive director may execute such delegated authority through designated staff members. Such delegations shall not be subject to the rulemaking requirements of chapter 120. *The governing board must provide a process for referring a denial of such application or petition to the governing board for the purpose of taking final action.* The executive director must be confirmed by the Senate upon employment and must be confirmed or reconfirmed by the Senate during the second regular session of the Legislature following a gubernatorial election.

2. The delegation required by this paragraph shall expressly prohibit governing board members from individually intervening in any manner during the review of an application before such application is referred to the governing board for final action. This subparagraph does not prohibit the governing board as a collegial body from acting on any permit application or supervising, overseeing, or directing the activities of district staff. This subparagraph expires June 1, 2011, unless reenacted by the Legislature.

(b)~~1. The governing board of each water management district shall employ~~ An inspector general, who shall report directly to the board. However, the governing boards of the Suwannee River Water Management District and the Northwest Florida Water Management District may jointly employ an inspector general, or provide for inspector general services by interagency agreement with a state agency or water management district inspector general.

~~2.~~ An inspector general must have the *same* qualifications ~~prescribed~~ and perform the applicable duties of state agency inspectors general as provided in s. 20.055.

Section 53. Subsection (5) of section 373.083, Florida Statutes, is amended to read:

373.083 General powers and duties of the governing board.—In addition to other powers and duties allowed it by law, the governing board is authorized to:

(5) Execute any of the powers, duties, and functions vested in the governing board through a member ~~or members thereof~~, the executive director, or other district staff as designated by the governing board. The governing board may establish the scope and terms of any delegation *and no delegation shall be subject to the rulemaking requirements of chapter 120. However, if* the governing board *delegates* ~~shall delegate~~ to the executive director ~~all of~~ its authority to take final action on permit applications under part II ~~or part IV~~ or petitions for variances or waivers of permitting requirements under part II ~~or part IV~~, ~~and~~ the executive director may execute such delegated authority through designated staff. ~~Such delegations shall not be subject to the rulemaking requirements of chapter 120.~~ However, the governing board *must* ~~shall~~ provide a process for referring *a* ~~any~~ denial of such application or petition to the governing board *for the purpose of taking* ~~to take~~ final action. ~~Such process shall expressly prohibit any member of a governing board from intervening in any manner during the review of an application prior to such application being referred to the governing board for final action.~~ The authority *to delegate under* ~~in~~ this subsection is supplemental to any other provision of this chapter granting authority to the governing board to delegate specific powers, duties, or functions.

Section 54. Subsection (1) of section 373.085, Florida Statutes, is amended to read:

373.085 Use of works or land by other districts or private persons.—

(1)*(a) In order to promote water quantity and water resource development, projects that improve flood control, and conservation of lands, the district and other governmental agencies shall encourage public-private partnerships by collaborating, when possible, with those partnerships when procuring materials for infrastructure and restoration work projects, consistent with district and state procurement procedures.*

(b) The governing board has authority to prescribe the manner in which local works provided by other districts or by private persons will connect with and make use of the works or land of the district, to issue permits therefor, and to cancel the permits for noncompliance with the conditions thereof or for other cause. It is unlawful to connect with or make use of the works or land of the district without consent in writing from its governing board, and the board has authority to prevent or, if done, estop or terminate the same. The use of the works or land of the district for access is governed by this section and is not subject to the provisions of s. 704.01. However, any land or works of the district which have historically been used for public access to the ocean by means of the North New River Canal and its tributaries may not be closed for this purpose unless the district can demonstrate that significant harm to the resource would result from such public use.

Section 55. Subsection (5) is added to section 373.118, Florida Statutes, to read:

373.118 General permits; delegation.—

(5) To improve efficiency, the governing board may delegate its powers and duties pertaining to general permits to the executive director. The executive director may execute such delegated authority through designated staff. However, when delegating the authority to take final action on permit applications under part II or petitions for variances or waivers of permitting requirements under part II, the governing board must provide a process for referring a denial of such application or petition to the governing board for the purpose of taking final action. Such delegations are not subject to the rulemaking requirements of chapter 120.

Section 56. Subsection (4) of section 373.236, Florida Statutes, is amended to read:

373.236 Duration of permits; compliance reports.—

(4) Where necessary to maintain reasonable assurance that the conditions for issuance of a 20-year permit can continue to be met, the governing board or department, in addition to any conditions required pursuant to s. 373.219, may require a compliance report by the permittee every *10* ~~5~~ years during the term of a permit. *The Suwannee River Water Management District may require a compliance report by the permittee every 5 years through July 1, 2015, and thereafter every 10 years during the term of the permit.* This report shall contain sufficient data to maintain reasonable assurance that the initial conditions for permit issuance are met. Following review of this report, the governing board or the department may modify the permit to ensure that the use meets the conditions for issuance. Permit modifications pursuant to this subsection shall not be subject to competing applications, provided there is no increase in the permitted allocation or permit duration, and no change in source, except for changes in source requested by the district. This subsection shall not be construed to limit the existing authority of the department or the governing board to modify or revoke a consumptive use permit.

Section 57. Paragraphs (c) and (d) are added to subsection (3) of section 373.250, Florida Statutes, subsections (4) and (5) of that section are renumbered as subsections (5) and (6), respectively, and a new subsection (4) is added to that section, to read:

373.250 Reuse of reclaimed water.—

(3) The water management district shall, in consultation with the department, adopt rules to implement this section. Such rules shall include, but not be limited to:

(c) Provisions to require permit applicants to provide, as part of their reclaimed water feasibility evaluation for a nonpotable use, written documentation from a reuse utility addressing the availability of reclaimed water. This requirement shall apply when the applicant's proposed use is within an area that is or may be served with reclaimed water by a reuse utility within a 5-year horizon, as established by the reuse utility and

provided to the district. If the applicable reuse utility fails to respond or does not provide the information required under paragraph (d) within 30 days after receipt of the request, the applicant shall provide to the district a copy of the written request and a statement that the utility failed to provide the requested information. The district is not required to adopt, by rule, the area where written documentation from a reuse utility is required, but the district shall publish the area, and any updates thereto, on the district's website. This paragraph may not be construed to limit the ability of a district to require the use of reclaimed water or to limit a utility's ability to plan reclaimed water infrastructure.

(d) Provisions specifying the content of the documentation required in paragraph (c), including sufficient information regarding the availability and costs associated with the connection to and the use of reclaimed water, to facilitate the permit applicant's reclaimed water feasibility evaluation.

(4) Reuse utilities and the applicable water management district or districts are encouraged to periodically coordinate and share information concerning the status of reclaimed water distribution system construction, the availability of reclaimed water supplies, and existing consumptive use permits in areas served by the reuse utility.

Section 58. *The water management districts shall initiate rulemaking no later than July 1, 2011, to implement the requirements of s. 373.250(3)(c) and (d), Florida Statutes, as created by this act.*

And the title is amended as follows:

Between lines 208 and 209, insert: amending s. 373.0361, F.S.; providing for the inclusion of wastewater utilities, reuse utilities, and the department in the regional water supply planning process; amending s. 373.079, F.S.; revising provisions relating to the authority of a water management district governing board to employ an executive director, an ombudsman, an inspector general, professional persons, and personnel; prohibiting governing board intervention during review of specified permit applications; providing for expiration of such prohibition; revising provisions authorizing a water management district governing board to delegate certain authority to the executive director; requiring the governing board to provide a process for referring certain denials to the board for final action; amending s. 373.083, F.S.; revising provisions authorizing a water management district governing board to delegate certain authority to the executive director; deleting a provision prohibiting governing board members from intervening in the review of certain applications; amending s. 373.085, F.S.; requiring water management districts and governmental agencies to encourage public-private partnerships for procurement of materials for infrastructure and restoration work projects; amending s. 373.118, F.S.; authorizing a water management district governing board to delegate certain authority to the executive director; requiring a water management district governing board to provide a process for referring application and petition denials to the board for final action; exempting such delegations from rulemaking under ch. 120, F.S.; amending s. 373.236, F.S.; reducing the frequency of compliance reports during the term of a consumptive use permit; providing an exception; amending s. 373.250, F.S.; requiring water management districts, in consultation with the department, to adopt rules relating to reclaimed water feasibility evaluations for consumptive use permit applicants; providing rule requirements; encouraging reuse utilities and water management districts to periodically coordinate and share information relating to reclaimed water; requiring water management districts to initiate certain rulemaking by a specified date;

House Amendment 5 (779711) (with title amendment)—Between lines 4128 and 4129, insert:

Section 51. *(1) The Legislature finds the following with respect to nutrient water quality standards:*

(a) Nutrients are essential for the biological health and productivity of Florida waters.

(b) A delicate relationship exists between the level of nutrients in a waterbody and its health and productivity.

(c) Increasing the level of nutrients in combination with site-specific conditions can cause impairment to a waterbody.

(d) The establishment of numeric nutrient criteria in a manner that fails to take into account site-specific factors may result in criteria that lack adequate scientific support and cause unintended environmental and economic consequences.

(e) The total maximum daily load program is the best mechanism for establishing numeric nutrient standards for nutrient-impaired waterbodies and restoring nutrient-impaired waterbodies, and consistent with the congressional intent expressed in the Clean Water Act, any numeric nutrient criteria established pursuant to s. 303(c) of the Clean Water Act should work in concert with the total maximum daily load program, the state stormwater treatment rule, and other water quality programs.

(f) The state currently implements a narrative nutrient criterion and, while complicated, the establishment of sound science-based numeric nutrient criteria to complement the narrative criterion would enhance the ability of the state to achieve a balance of adequate nutrients to sustain aquatic life while not allowing excess nutrients that will alter the aquatic ecosystem.

(g) The state's reclaimed lakes, canals, and ditches represent unique surface waters for which alternative uses and associated criteria are appropriate.

(2) The Legislature further finds the following with respect to the United States Environmental Protection Agency's nutrient water quality criteria rulemaking:

(a) The agency's January 2010 proposed water quality standards for the state fail to take into account the unique characteristics of the state's many thousands of rivers, streams, and canals.

(b) The agency's January 2010 proposed water quality standards fail to incorporate, and may undermine, the state's science-based total maximum daily loads program.

(c) The finalization and implementation of the agency's January 2010 proposed water quality standards will have severe economic consequences on the state's agriculture, local governments, wastewater utilities, economically vital industries, small businesses, and residents living below the poverty level or on fixed incomes.

And the title is amended as follows:

Between lines 208 and 209, insert: providing legislative findings with respect to nutrient water quality standards and the United States Environmental Protection Agency's nutrient water quality criteria rulemaking;

House Amendment 6 (558839) (with title amendment)—Between lines 4128 and 4129, insert:

Section 51. Subsections (1), (2), and (3) of section 220.1845, Florida Statutes, are renumbered as subsections (2), (3), and (4), respectively, and a new subsection (1) is added to that section to read:

220.1845 Contaminated site rehabilitation tax credit.—

(1) APPLICATION FOR TAX CREDIT.—A site rehabilitation application must be received by the Division of Waste Management of the Department of Environmental Protection by January 31 of the year after the calendar year for which site rehabilitation costs are being claimed in a tax credit application. All site rehabilitation costs claimed must have been for work conducted between January 1 and December 31 of the year for which the application is being submitted. All payment requests must have been received and all costs must have been paid prior to submittal of the tax credit application, but no later than January 31 of the year after the calendar year for which site rehabilitation costs are being claimed.

Section 52. Paragraph (a) of subsection (5), paragraph (c) of subsection (6), and subsections (9) and (10) of section 376.30781, Florida Statutes, are amended to read:

376.30781 Tax credits for rehabilitation of drycleaning-solvent-contaminated sites and brownfield sites in designated brownfield areas; application process; rulemaking authority; revocation authority.—

(5) To claim the credit for site rehabilitation or solid waste removal, each tax credit applicant must apply to the Department of Environ-

mental Protection for an allocation of the $2 million annual credit by filing a tax credit application with the Division of Waste Management on a form developed by the Department of Environmental Protection in cooperation with the Department of Revenue. The form shall include an affidavit from each tax credit applicant certifying that all information contained in the application, including all records of costs incurred and claimed in the tax credit application, are true and correct. If the application is submitted pursuant to subparagraph (3)(a)2., the form must include an affidavit signed by the real property owner stating that it is not, and has never been, the owner or operator of the drycleaning facility where the contamination exists. Approval of tax credits must be accomplished on a first-come, first-served basis based upon the date and time complete applications are received by the Division of Waste Management, subject to the limitations of subsection (14). To be eligible for a tax credit, the tax credit applicant must:

(a) For site rehabilitation tax credits, have entered into a voluntary cleanup agreement with the Department of Environmental Protection for a drycleaning-solvent-contaminated site or a Brownfield Site Rehabilitation Agreement, as applicable, and have paid all deductibles pursuant to s. 376.3078(3)(e) for eligible drycleaning-solvent-cleanup program sites, as applicable. A site rehabilitation tax credit applicant must submit only a single completed application per site for each calendar year's site rehabilitation costs. A site rehabilitation application must be received by the Division of Waste Management of the Department of Environmental Protection by January 31 of the year after the calendar year for which site rehabilitation costs are being claimed in a tax credit application. *All site rehabilitation costs claimed must have been for work conducted between January 1 and December 31 of the year for which the application is being submitted. All payment requests must have been received and all costs must have been paid prior to submittal of the tax credit application, but no later than January 31 of the year after the calendar year for which site rehabilitation costs are being claimed.*

(6) To obtain the tax credit certificate, the tax credit applicant must provide all pertinent information requested on the tax credit application form, including, at a minimum, the name and address of the tax credit applicant and the address and tracking identification number of the eligible site. Along with the tax credit application form, the tax credit applicant must submit the following:

(c) Proof that the documentation submitted pursuant to paragraph (b) has been reviewed and verified by an independent certified public accountant in accordance with standards established by the American Institute of Certified Public Accountants. Specifically, a certified public accountant's report must be submitted and the certified public accountant must attest to the accuracy and validity of the costs *claimed* ~~incurred and paid during the time period covered~~ in the application by conducting an independent review of the data presented by the tax credit applicant. Accuracy and validity of costs incurred and paid shall be determined after the level of effort is certified by an appropriate professional registered in this state in each contributing technical discipline. The certified public accountant's report must also attest that the costs included in the application form are not duplicated within the application*, that all payment requests were received and all costs were paid prior to submittal of the tax credit application, and, for site rehabilitation tax credits, that all costs claimed are for work conducted between January 1 and December 31 of the year for which the application is being submitted*. A copy of the accountant's report shall be submitted to the Department of Environmental Protection in addition to the accountant's certification form in the tax credit application; and

(9) On or before May 1, the Department of Environmental Protection shall inform each tax credit applicant that is subject to the January 31 annual application deadline of the applicant's eligibility status and the amount of any tax credit due. The department shall provide each eligible tax credit applicant with a tax credit certificate that must be submitted with its tax return to the Department of Revenue to claim the tax credit or be transferred pursuant to *s. 220.1845(2)(g)* ~~s. 220.1845(1)(g)~~. The May 1 deadline for annual site rehabilitation tax credit certificate awards shall not apply to any tax credit application for which the department has issued a notice of deficiency pursuant to subsection (8). The department shall respond within 90 days after receiving a response from the tax credit applicant to such a notice of deficiency. Credits may not result in the payment of refunds if total credits exceed the amount of tax owed.

(10) For solid waste removal, new health care facility or health care provider, and affordable housing tax credit applications, the Department of Environmental Protection shall inform the applicant of the department's determination within 90 days after the application is deemed complete. Each eligible tax credit applicant shall be informed of the amount of its tax credit and provided with a tax credit certificate that must be submitted with its tax return to the Department of Revenue to claim the tax credit or be transferred pursuant to *s. 220.1845(2)(g)* ~~s. 220.1845(1)(g)~~. Credits may not result in the payment of refunds if total credits exceed the amount of tax owed.

Section 53. Section 376.85, Florida Statutes, is amended to read:

376.85 Annual report.—The Department of Environmental Protection shall prepare *and submit* ~~an annual report~~ to the *President of the Senate and the Speaker of the House of Representatives by August 1 of each year a report that includes* ~~Legislature, beginning in December 1998, which shall include~~, but *is* not ~~be~~ limited to*,* the number, size, and locations of brownfield sites: that have been remediated under the provisions of this act*,*~~;~~ that are currently under rehabilitation pursuant to a negotiated site rehabilitation agreement with the department or a delegated local program*,*~~;~~ where alternative cleanup target levels have been established pursuant to s. 376.81(1)(g)3.*,*~~;~~ and~~,~~ where engineering and institutional control strategies are being employed as conditions of a "no further action order" to maintain the protections provided in s. 376.81(1)(g)1. and 2.

Section 54. Section 403.973, Florida Statutes, is amended to read:

403.973 Expedited permitting; *amendments to* comprehensive *plans* ~~plan amendments.—~~

(1) It is the intent of the Legislature to encourage and facilitate the location and expansion of those types of economic development projects which offer job creation and high wages, strengthen and diversify the state's economy, and have been thoughtfully planned to take into consideration the protection of the state's environment. It is also the intent of the Legislature to provide for an expedited permitting and comprehensive plan amendment process for such projects.

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

(a) "Duly noticed" means publication in a newspaper of general circulation in the municipality or county with jurisdiction. The notice shall appear on at least 2 separate days, one of which shall be at least 7 days before the meeting. The notice shall state the date, time, and place of the meeting scheduled to discuss or enact the memorandum of agreement, and the places within the municipality or county where such proposed memorandum of agreement may be inspected by the public. The notice must be one-eighth of a page in size and must be published in a portion of the paper other than the legal notices section. The notice shall also advise that interested parties may appear at the meeting and be heard with respect to the memorandum of agreement.

(b) "Jobs" means permanent, full-time equivalent positions not including construction jobs.

(c) "Office" means the Office of Tourism, Trade, and Economic Development.

(d) "Permit applications" means state permits and licenses, and at the option of a participating local government, local development permits or orders.

(e) "Secretary" means the Secretary of Environmental Protection or his or her designee.

(3)(a) The *secretary* ~~Governor, through the office,~~ shall direct the creation of regional permit action teams~~,~~ for the purpose of expediting review of permit applications and local comprehensive plan amendments submitted by:

1. Businesses creating at least *50* ~~100~~ jobs;~~,~~ or

2. Businesses creating at least *25* ~~50~~ jobs if the project is located in an enterprise zone, or in a county having a population of *fewer* ~~less~~ than 75,000 or in a county having a population of *fewer* ~~less~~ than *125,000* ~~100,000~~ which is contiguous to a county having a population of *fewer* ~~less~~

than 75,000, as determined by the most recent decennial census, residing in incorporated and unincorporated areas of the county.~~, or~~

(b) On a case-by-case basis and at the request of a county or municipal government, the office may certify as eligible for expedited review a project not meeting the minimum job creation thresholds but creating a minimum of 10 jobs. The recommendation from the governing body of the county or municipality in which the project may be located is required in order for the office to certify that any project is eligible for expedited review under this paragraph. When considering projects that do not meet the minimum job creation thresholds but that are recommended by the governing body in which the project may be located, the office shall consider economic impact factors that include, but are not limited to:

1. The proposed wage and skill levels relative to those existing in the area in which the project may be located;

2. The project's potential to diversify and strengthen the area's economy;

3. The amount of capital investment; and

4. The number of jobs that will be made available for persons served by the welfare transition program.

(c) At the request of a county or municipal government, the office or a Quick Permitting County may certify projects located in counties where the ratio of new jobs per participant in the welfare transition program, as determined by Workforce Florida, Inc., is less than one or otherwise critical, as eligible for the expedited permitting process. Such projects must meet the numerical job creation criteria of this subsection, but the jobs created by the project do not have to be high-wage jobs that diversify the state's economy.

(d) Projects located in a designated brownfield area are eligible for the expedited permitting process.

(e) Projects that are part of the state-of-the-art biomedical research institution and campus to be established in this state by the grantee under s. 288.955 are eligible for the expedited permitting process, if the projects are designated as part of the institution or campus by the board of county commissioners of the county in which the institution and campus are established.

(f) Projects resulting in the production of biofuels cultivated on lands that are 1,000 acres or more or in the construction of a biofuel or biodiesel processing facility or a facility generating renewable energy, as defined in s. 366.91(2)(d), are eligible for the expedited permitting process.

(4) The regional teams shall be established through the execution of memoranda of agreement *developed by the applicant and the secretary, with input solicited from* ~~between~~ the office and the respective heads of ~~the Department of Environmental Protection,~~ the Department of Community Affairs, the Department of Transportation and its district offices, the Department of Agriculture and Consumer Services, the Fish and Wildlife Conservation Commission, appropriate regional planning councils, appropriate water management districts, and voluntarily participating municipalities and counties. The memoranda of agreement should also accommodate participation in this expedited process by other local governments and federal agencies as circumstances warrant.

(5) In order to facilitate local government's option to participate in this expedited review process, the *secretary* ~~office~~ shall, in cooperation with local governments and participating state agencies, create a standard form memorandum of agreement. A local government shall hold a duly noticed public workshop to review and explain to the public the expedited permitting process and the terms and conditions of the standard form memorandum of agreement.

(6) The local government shall hold a duly noticed public hearing to execute a memorandum of agreement for each qualified project. Notwithstanding any other provision of law, and at the option of the local government, the workshop provided for in subsection (5) may be conducted on the same date as the public hearing held under this subsection. The memorandum of agreement that a local government signs shall include a provision identifying necessary local government procedures and time limits that will be modified to allow for the local government decision on the project within 90 days. The memorandum of agreement applies to projects, on a case-by-case basis, that qualify for special review and approval as specified in this section. The memorandum of agreement must make it clear that this expedited permitting and review process does not modify, qualify, or otherwise alter existing local government nonprocedural standards for permit applications, unless expressly authorized by law.

(7) ~~At the option of the participating local government,~~ Appeals of *local government comprehensive plan approvals* ~~its final approval~~ for a project *shall* ~~may~~ be pursuant to the summary hearing provisions of s. 120.574, pursuant to subsection (14), *and consolidated with the challenge of any applicable state agency actions* ~~or pursuant to other appellate processes available to the local government. The local government's decision to enter into a summary hearing must be made as provided in s. 120.574 or in the memorandum of agreement~~.

(8) Each memorandum of agreement shall include a process for final agency action on permit applications and local comprehensive plan amendment approvals within 90 days after receipt of a completed application, unless the applicant agrees to a longer time period or the *secretary* ~~office~~ determines that unforeseen or uncontrollable circumstances preclude final agency action within the 90-day timeframe. Permit applications governed by federally delegated or approved permitting programs whose requirements would prohibit or be inconsistent with the 90-day timeframe are exempt from this provision, but must be processed by the agency with federally delegated or approved program responsibility as expeditiously as possible.

(9) The *secretary* ~~office~~ shall inform the Legislature by October 1 of each year which agencies have not entered into or implemented an agreement and identify any barriers to achieving success of the program.

(10) The memoranda of agreement may provide for the waiver or modification of procedural rules prescribing forms, fees, procedures, or time limits for the review or processing of permit applications under the jurisdiction of those agencies that are party to the memoranda of agreement. Notwithstanding any other provision of law to the contrary, a memorandum of agreement must to the extent feasible provide for proceedings and hearings otherwise held separately by the parties to the memorandum of agreement to be combined into one proceeding or held jointly and at one location. Such waivers or modifications shall not be available for permit applications governed by federally delegated or approved permitting programs, the requirements of which would prohibit, or be inconsistent with, such a waiver or modification.

(11) The *standard form for* memoranda of agreement shall include guidelines to be used in working with state, regional, and local permitting authorities. Guidelines may include, but are not limited to, the following:

(a) A central contact point for filing permit applications and local comprehensive plan amendments and for obtaining information on permit and local comprehensive plan amendment requirements;

(b) Identification of the individual or individuals within each respective agency who will be responsible for processing the expedited permit application or local comprehensive plan amendment for that agency;

(c) A mandatory preapplication review process to reduce permitting conflicts by providing guidance to applicants regarding the permits needed from each agency and governmental entity, site planning and development, site suitability and limitations, facility design, and steps the applicant can take to ensure expeditious permit application and local comprehensive plan amendment review. As a part of this process, the first interagency meeting to discuss a project shall be held within 14 days after the *secretary's* ~~office's~~ determination that the project is eligible for expedited review. Subsequent interagency meetings may be scheduled to accommodate the needs of participating local governments that are unable to meet public notice requirements for executing a memorandum of agreement within this timeframe. This accommodation may not exceed 45 days from the *secretary's* ~~office's~~ determination that the project is eligible for expedited review;

(d) The preparation of a single coordinated project description form and checklist and an agreement by state and regional agencies to reduce the burden on an applicant to provide duplicate information to multiple agencies;

(e) Establishment of a process for the adoption and review of any comprehensive plan amendment needed by any certified project within 90 days after the submission of an application for a comprehensive plan amendment. However, the memorandum of agreement may not prevent affected persons as defined in s. 163.3184 from appealing or participating in this expedited plan amendment process and any review or appeals of decisions made under this paragraph; and

(f) Additional incentives for an applicant who proposes a project that provides a net ecosystem benefit.

(12) The applicant, the regional permit action team, and participating local governments may agree to incorporate into a single document the permits, licenses, and approvals that are obtained through the expedited permit process. This consolidated permit is subject to the summary hearing provisions set forth in subsection (14).

(13) Notwithstanding any other provisions of law:

(a) Local comprehensive plan amendments for projects qualified under this section are exempt from the twice-a-year limits provision in s. 163.3187; and

(b) Projects qualified under this section are not subject to interstate highway level-of-service standards adopted by the Department of Transportation for concurrency purposes. The memorandum of agreement specified in subsection (5) must include a process by which the applicant will be assessed a fair share of the cost of mitigating the project's significant traffic impacts, as defined in chapter 380 and related rules. The agreement must also specify whether the significant traffic impacts on the interstate system will be mitigated through the implementation of a project or payment of funds to the Department of Transportation. Where funds are paid, the Department of Transportation must include in the 5-year work program transportation projects or project phases, in an amount equal to the funds received, to mitigate the traffic impacts associated with the proposed project.

(14)(a) Challenges to state agency action in the expedited permitting process for projects processed under this section are subject to the summary hearing provisions of s. 120.574, except that the administrative law judge's decision, as provided in s. 120.574(2)(f), shall be in the form of a recommended order and shall not constitute the final action of the state agency. In those proceedings where the action of only one agency of the state *other than the Department of Environmental Protection* is challenged, the agency of the state shall issue the final order within *45* ~~10~~ working days *after* ~~of~~ receipt of the administrative law judge's recommended order*, and the recommended order shall inform the parties of their right to file exceptions or responses to the recommended order in accordance with the uniform rules of procedure pursuant to s. 120.54*. In those proceedings where the actions of more than one agency of the state are challenged, the Governor shall issue the final order within *45* ~~10~~ working days *after* ~~of~~ receipt of the administrative law judge's recommended order*, and the recommended order shall inform the parties of their right to file exceptions or responses to the recommended order in accordance with the uniform rules of procedure pursuant to s. 120.54. This paragraph does not apply to the issuance of department licenses required under any federally delegated or approved permit program. In such instances, the department shall enter the final order.* The participating agencies of the state may opt at the preliminary hearing conference to allow the administrative law judge's decision to constitute the final agency action. If a participating local government agrees to participate in the summary hearing provisions of s. 120.574 for purposes of review of local government comprehensive plan amendments, s. 163.3184(9) and (10) apply.

(b) *Projects identified in paragraph (3)(f) or* challenges to state agency action in the expedited permitting process for establishment of a state-of-the-art biomedical research institution and campus in this state by the grantee under s. 288.955 are subject to the same requirements as challenges brought under paragraph (a), except that, notwithstanding s. 120.574, summary proceedings must be conducted within 30 days after a party files the motion for summary hearing, regardless of whether the parties agree to the summary proceeding.

(15) The office, working with the agencies *providing cooperative assistance and input regarding* ~~participating in~~ the memoranda of agreement, shall review sites proposed for the location of facilities eligible for the Innovation Incentive Program under s. 288.1089. Within 20 days after the request for the review by the office, the agencies shall provide to the office a statement as to each site's necessary permits under local, state, and federal law and an identification of significant permitting issues, which if unresolved, may result in the denial of an agency permit or approval or any significant delay caused by the permitting process.

(16) This expedited permitting process shall not modify, qualify, or otherwise alter existing agency nonprocedural standards for permit applications or local comprehensive plan amendments, unless expressly authorized by law. If it is determined that the applicant is not eligible to use this process, the applicant may apply for permitting of the project through the normal permitting processes.

(17) The office shall be responsible for certifying a business as eligible for undergoing expedited review under this section. Enterprise Florida, Inc., a county or municipal government, or the Rural Economic Development Initiative may recommend to the Office of Tourism, Trade, and Economic Development that a project meeting the minimum job creation threshold undergo expedited review.

(18) The office, working with the Rural Economic Development Initiative and the agencies participating in the memoranda of agreement, shall provide technical assistance in preparing permit applications and local comprehensive plan amendments for counties having a population of *fewer* ~~less~~ than 75,000 residents, or counties having fewer than *125,000* ~~100,000~~ residents which are contiguous to counties having fewer than 75,000 residents. Additional assistance may include, but not be limited to, guidance in land development regulations and permitting processes, working cooperatively with state, regional, and local entities to identify areas within these counties which may be suitable or adaptable for preclearance review of specified types of land uses and other activities requiring permits.

(19) The following projects are ineligible for review under this part:

(a) A project funded and operated by a local government, as defined in s. 377.709, and located within that government's jurisdiction.

(b) A project, the primary purpose of which is to:

1. Effect the final disposal of solid waste, biomedical waste, or hazardous waste in this state.

2. Produce electrical power, unless the production of electricity is incidental and not the primary function of the project *or the electrical power is derived from a fuel source for renewable energy as defined in s. 366.91(2)(d)*.

3. Extract natural resources.

4. Produce oil.

5. Construct, maintain, or operate an oil, petroleum, natural gas, or sewage pipeline.

And the title is amended as follows:

Between lines 208 and 209, insert: amending ss. 220.1845 and 376.30781, F.S.; providing requirements for claiming certain site rehabilitation costs in applications for contaminated site rehabilitation tax credits; conforming cross-references; amending s. 376.85, F.S.; revising requirements for the Department of Environmental Protection's annual report to the Legislature regarding site rehabilitation; amending s. 403.973, F.S.; transferring certain authority over the expedited permitting and comprehensive plan amendment process from the Office of Tourism, Trade, and Economic Development to the Secretary of Environmental Protection; revising job-creation criteria for businesses to qualify to submit permit applications and local comprehensive plan amendments for expedited review; providing that permit applications and local comprehensive plan amendments for specified renewable energy projects are eligible for the expedited permitting process; providing for the establishment of regional permit action teams through the execution of memoranda of agreement developed by permit applicants and the secretary; revising provisions relating to the memoranda of agreement developed by the secretary; providing for the appeal of local government comprehensive plan approvals for projects and requiring such appeals to be consolidated with challenges to state agency actions; requiring recommended orders relating to challenges to state agency actions pursuant to summary hearing provisions to include certain in-

formation; extending the deadline for issuance of final orders relating to such challenges; providing for challenges to state agency action related to expedited permitting for specified renewable energy projects; revising provisions relating to the review of sites proposed for the location of facilities eligible for the Innovation Incentive Program; revising criteria for counties eligible to receive technical assistance in preparing permit applications and local comprehensive plan amendments; specifying expedited review eligibility for certain electrical power projects;

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

CS for CS for CS for SB 550 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—34

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

Nays—4

Garcia	Negron	Storms
Villalobos		

Vote after roll call:

Yea to Nay—Crist

The Honorable Jeff Atwater, President

I am directed to inform the Senate that the House of Representatives has passed **CS for SB 60**, with 1 amendment, and requests the concurrence of the Senate.

Robert L. "Bob" Ward, Clerk

CS for SB 60—A bill to be entitled An act for the relief of Pierreisna Archille; providing an appropriation to compensate Pierreisna Archille, a mentally disabled person, by and through Darlene Achille, Limited Guardian of Property for Pierreisna Archille, for injuries and damages sustained as a result of the negligence of employees of the Department of Children and Family Services; providing for reversion of funds; providing a limitation on the payment of attorney's fees, lobbying fees, costs, and other similar expenses relating to the claim; providing an effective date.

House Amendment 1 (204693)—Remove lines 96-97 and insert:

Section 2. *(1) There is appropriated from the Federal Grants Trust Fund within the Department of Children and Family Services*

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

CS for SB 60 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—35

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

Nays—3

Garcia	Thrasher	Wise

The Honorable Jeff Atwater, President

I am directed to inform the Senate that the House of Representatives has passed **SB 150**, with 1 amendment, and requests the concurrence of the Senate.

Robert L. "Bob" Ward, Clerk

SB 150—A bill to be entitled An act relating to criminal history record checks; defining the terms "independent youth athletic team," "sanctioning authority," and "sports coach"; requiring the sanctioning authority of an independent youth athletic team to screen an applicant for sports coach through designated public websites maintained by the Department of Law Enforcement and the United States Department of Justice; requiring the sanctioning authority to disqualify any applicant from acting as a sports coach if that applicant appears on either registry; requiring that the sanctioning authority notify the applicant of his or her right to obtain a copy of the screening report; providing that an applicant who is disqualified from acting as a sports coach based on the screening may appeal to the sanctioning authority the accuracy and completeness of the screening report; providing that the sanctioning authority may place an applicant appealing his or her disqualification as a sports coach on probationary status pending resolution of the appeal; providing that a background screening in compliance with the federal Fair Credit Reporting Act satisfies screening provisions; requiring each sanctioning authority to sign an affidavit annually, under penalty of perjury, stating that all persons who have applied for a position as a sports coach of an independent youth athletic team under its jurisdiction have been screened; requiring a sanctioning authority to maintain the affidavit in its files and provide a copy of the affidavit to anyone upon request; creating rebuttable presumptions in a civil action brought against a sanctioning authority in which it is alleged that the sanctioning authority was negligent in the hiring of a sports coach because of sexual misconduct committed by the sports coach; providing legislative intent encouraging sanctioning authorities for youth athletic teams to participate in the Volunteer and Employee Criminal History System as authorized by the National Child Protection Act and the laws of this state; providing an effective date.

House Amendment 1 (771551) (with title amendment)—Remove everything after the enacting clause and insert:

Section 1. *Athletic coaches for independent sanctioning authorities.—*

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

(a) "Athletic coach" means a person who:

1. Is authorized by an independent sanctioning authority to work for 20 or more hours within a calendar year, whether for compensation or as a volunteer, for a youth athletic team based in this state; and

2. Has direct contact with one or more minors on the youth athletic team.

(b) "Independent sanctioning authority" means a private, nongovernmental entity that organizes, operates, or coordinates a youth athletic team in this state if the team includes one or more minors and is not affiliated with a private school as defined in s. 1002.01, Florida Statutes.

(2) An independent sanctioning authority shall:

(a)1. Conduct a background screening of each current and prospective athletic coach. No person shall be authorized by the independent sanctioning authority to act as an athletic coach after July 1, 2010, unless a background screening has been conducted and did not result in disqualification under paragraph (b). Background screenings shall be conducted annually for each athletic coach. For purposes of this section, a background screening shall be conducted with a search of the athletic coach's name or other identifying information against state and federal registries of sexual predators and sexual offenders, which are available to the public on Internet sites provided by:

a. The Department of Law Enforcement under s. 943.043, Florida Statutes; and

b. The Attorney General of the United States under 42 U.S.C. s. 16920.

2. For purposes of this section, a background screening conducted by a commercial consumer reporting agency in compliance with the federal Fair Credit Reporting Act using the identifying information referenced in subparagraph 1. and that includes searching that information against the sexual predator and sexual offender Internet sites listed in sub-subparagraphs 1.a. and b. shall be deemed in compliance with the requirements of this section.

(b) Disqualify any person from acting as an athletic coach if he or she is identified on a registry described in paragraph (a).

(c) Provide, within 7 business days following the background screening under paragraph (a), written notice to a person disqualified under this section advising the person of the results and of his or her disqualification.

(d) Maintain documentation of:

1. The results for each person screened under paragraph (a); and

2. The written notice of disqualification provided to each person under paragraph (c).

(3) In a civil action for the death of, or injury or damage to, a third person caused by the intentional tort of an athletic coach that relates to alleged sexual misconduct by the athletic coach, there is a rebuttable presumption that the independent sanctioning authority was not negligent in authorizing the athletic coach if the authority complied with the background screening and disqualification requirements of subsection (2) prior to such authorization.

(4) The Legislature encourages independent sanctioning authorities for youth athletic teams to participate in the Volunteer and Employee Criminal History System, as authorized by the National Child Protection Act of 1993 and s. 943.0542, Florida Statutes.

Section 2. This act shall take effect July 1, 2010.

And the title is amended as follows:

Remove the entire title and insert: A bill to be entitled An act relating to athletic coaches; defining the terms "athletic coach" and "independent sanctioning authority"; requiring the independent sanctioning authority of a youth athletic team to screen the background of current and prospective athletic coaches through designated state and federal sex offender registries; providing that a commercial consumer reporting agency screening that meets specified requirements complies with screening requirements; requiring the independent sanctioning authority to disqualify any athletic coach appearing on a registry; requiring the independent sanctioning authority to provide a disqualified athletic coach with written notice; requiring the independent sanctioning authority to maintain documentation of screening results and disqualification notices; providing a rebuttable presumption that an independent sanctioning authority did not negligently authorize an athletic coach for purposes of a civil action for an intentional tort relating to alleged sexual misconduct by the athletic coach if the authority complied with the screening and disqualification requirements; encouraging independent sanctioning authorities for youth athletic teams to participate in the Volunteer and Employee Criminal History System; providing an effective date.

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

SB 150 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

The Honorable Jeff Atwater, President

I am directed to inform the Senate that the House of Representatives has passed **CS for SB 1118**, with 1 amendment, and requests the concurrence of the Senate.

Robert L. "Bob" Ward, Clerk

CS for SB 1118—A bill to be entitled An act relating to docks; amending s. 258.42, F.S.; authorizing the placement of roofs on certain residential single-family docks; amending s. 403.061, F.S.; authorizing the Department of Environmental Protection to adopt rules that include special criteria for approving certain docking facilities in shellfish harvesting waters; deleting an obsolete provision; authorizing the department to maintain a list of projects or activities for applicants to consider when developing proposals in order to meet mitigation or public interest requirements; directing the department to expand online self-certification for certain exemptions and general permits and to report on such activities to the Legislature; prohibiting local governments from specifying the method or form for documenting that a project meets specified requirements; amending s. 403.813, F.S.; clarifying provisions relating to permits issued at district centers to authorize the use of different construction materials or minor deviations when replacing or repairing docks and piers; requiring the Office of Program Policy Analysis and Government Accountability to conduct a study and submit a report to the Board of Trustees of the Internal Improvement Trust Fund and the Legislature on the effects of regulation relating to submerged lands on private, residential multifamily docks or piers; providing an effective date.

House Amendment 1 (194399) (with title amendment)—Remove lines 156-175

And the title is amended as follows:

Remove lines 22-28 and insert: repairing docks and piers; providing an effective date.

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

CS for SB 1118 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—38

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

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

Nays—None

The Honorable Jeff Atwater, President

I am directed to inform the Senate that the House of Representatives has passed **CS for CS for SB 2272 and CS for SB 2722**, with 3 amendments, and requests the concurrence of the Senate.

Robert L. "Bob" Ward, Clerk

CS for CS for SB 2272 and CS for SB 2722—A bill to be entitled An act relating to controlled substances; amending s. 456.037, F.S.; providing that pain-management clinics that are required to be registered with the Department of Health are business establishments; amending s. 456.057, F.S.; providing that the Department of Health is not required to attempt to obtain authorization from a patient for the release of the patient's medical records under certain circumstances; authorizing the department to obtain patient records without authorization or subpoena if the department has probable cause to believe that certain violations have occurred or are occurring; repealing s. 458.309(4), (5), and (6), F.S., relating to pain-management clinics; creating s. 458.3265, F.S.; requiring all privately owned pain-management clinics, or offices that primarily engage in the treatment of pain by prescribing or dispensing controlled substance medications or by employing a physician who is primarily engaged in the treatment of pain by prescribing or dispensing controlled substance medications, to register with the Department of Health; providing exceptions; requiring each location of a pain-management clinic to register separately; requiring a clinic to designate a physician who is responsible for complying with requirements related to registration and operation of the clinic; requiring the department to deny registration or revoke the registration of a pain-management clinic for certain conditions; authorizing the department to revoke a clinic's certificate of registration and prohibit physicians associated with the clinic from practicing at the clinic's location; requiring a pain-management clinic to cease operating if its registration certificate is revoked or suspended; requiring certain named persons to remove all signs and symbols identifying the premises as a pain-management clinic; requiring a pain-management clinic that has had its registration revoked or suspended to advise the department of the disposition of the medicinal drugs located on the premises; providing that medicinal drugs that are purchased or held by a pain–management clinic that is not registered may be deemed adulterated; prohibiting any person acting as an individual or as part of a group from applying for a certificate to operate a pain-management clinic for a certain period after the date the person's registration certificate is revoked; providing that a change of ownership of a registered pain-management clinic requires submission of a new registration application; providing the responsibilities of a physician who provides professional services at a pain-management clinic; requiring the department to inspect pain-management clinics and its patient records; providing an exception to inspection by the department; requiring a pain-management clinic to document corrective action; requiring the department and the Board of Medicine to adopt rules; authorizing the department to impose fines, deny a clinic's registration, or revoke a clinic's registration; amending s. 458.327, F.S.; providing that the commission of certain specified acts involving a nonregistered pain-management clinic constitutes a felony of the third degree or a misdemeanor of the first degree; amending s. 458.331, F.S.; providing additional acts that constitute grounds for disciplinary actions against health professional licensees; repealing s. 459.005(3), (4), and (5), F.S., relating to pain-management clinics; creating s. 459.0137, F.S.; requiring all privately owned pain-management clinics, or offices that primarily engage in the treatment of pain by prescribing or dispensing controlled substance medications or by employing an osteopathic physician who is primarily engaged in the treatment of pain by prescribing or dispensing controlled substance medications, to register with the department; providing exceptions; requiring each location of a pain-management clinic to register separately; requiring a clinic to designate an osteopathic physician who is responsible for complying with requirements related to registration and operation of the clinic; requiring the department to deny registration or revoke the registration of a pain-management clinic for certain conditions; authorizing the department to revoke a clinic's certificate of registration and prohibit osteopathic physicians associated with the clinic from practicing at the clinic's location; requiring a pain-management clinic to cease operating if its registration certificate is revoked or suspended; requiring certain named persons to remove all signs and symbols identifying the premises as a pain-management clinic; requiring a pain-management clinic that has had its registration revoked or suspended to advise the department of the disposition of the medicinal drugs located on the premises; providing that medicinal drugs that are purchased or held by a pain–management clinic that is not registered may be deemed adulterated; prohibiting any person acting as an individual or as part of a group from applying for a certificate to operate a pain-management clinic for a certain period after the date the person's registration certificate is revoked; providing that a change of ownership of a registered pain-management clinic requires submission of a new registration application; providing the responsibilities of an osteopathic physician who provides professional services at a pain-management clinic; requiring the department to inspect pain-management clinics and its patient records; providing an exception to inspection by the department; requiring a pain-management clinic to document corrective action; requiring the department and the Board of Osteopathic Medicine to adopt rules; authorizing the department to impose fines, deny a clinic's registration, or revoke a clinic's registration; amending s. 459.013, F.S.; providing that the commission of certain specified acts involving a nonregistered pain-management clinic constitutes a felony of the third degree or a misdemeanor of the first degree; amending s. 459.015, F.S.; providing additional acts that constitute grounds for disciplinary actions against health professional licensees; amending s. 893.055, F.S.; defining the term "program manager"; requiring that the program manager work with certain licensure boards and stakeholders to develop rules; authorizing the program manager to provide relevant information to law enforcement agencies under certain circumstances; amending s. 893.0551, F.S.; providing for disclosure of confidential and exempt information to applicable law enforcement; providing an effective date.

House Amendment 1 (462965)—Between lines 580 and 581, insert:

(qq) Promoting or advertising through any communication media the use, sale, or dispensing of any controlled substance appearing on any schedule in chapter 893.

House Amendment 2 (737543)—Between lines 930 and 931, insert:

(ss) Promoting or advertising through any communication media the use, sale, or dispensing of any controlled substance appearing on any schedule in chapter 893.

House Amendment 3 (801573) (with title amendment)—Between lines 930 and 931, insert:

Section 11. Subsection (1) of section 465.0276, Florida Statutes, is amended to read:

465.0276 Dispensing practitioner.—

(1)*(a)* A person may not dispense medicinal drugs unless licensed as a pharmacist or otherwise authorized under this chapter to do so, except that a practitioner authorized by law to prescribe drugs may dispense such drugs to her or his patients in the regular course of her or his practice in compliance with this section.

(b) A practitioner registered under this section may not dispense more than a 72-hour supply of a controlled substance listed in Schedule II, Schedule III, Schedule IV, or Schedule V of s. 893.03 for any patient who pays for the medication by cash, check, or credit card in a clinic registered under s. 458.3265 or s. 459.0137. A practitioner who violates this paragraph commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. This paragraph does not apply to:

1. A practitioner who dispenses medication to a workers' compensation patient pursuant to chapter 440.

2. A practitioner who dispenses medication to an insured patient who pays by cash, check, or credit card to cover any applicable copayment or deductible.

3. The dispensing of complimentary packages of medicinal drugs to the practitioner's own patients in the regular course of her or his practice without the payment of a fee or remuneration of any kind, whether direct or indirect, as provided in subsection (5).

And the title is amended as follows:

Remove line 123 and insert: professional licensees; amending s. 465.0276, F.S.; prohibiting registered dispensing practitioners from dispensing more than a specified amount of certain controlled substances; providing penalties; providing exceptions; amending s. 893.055, F.S.;

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

CS for CS for SB 2272 and CS for SB 2722 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

The Honorable Jeff Atwater, President

I am directed to inform the Senate that the House of Representatives has passed **CS for SB 2742**, with 1 amendment, and requests the concurrence of the Senate.

Robert L. "Bob" Ward, Clerk

CS for SB 2742—A bill to be entitled An act relating to a nonbinding statewide advisory referendum; requiring that a question regarding a balanced federal budget be printed on the ballot and submitted to the voters in the 2010 general election; providing an effective date.

House Amendment 1 (368547)—Remove lines 18-24 and insert: *In order to stop the uncontrolled growth of ournational debt and prevent excessive borrowing by theFederal Government, which threatens our economy and national security, should the United States Constitution be amended to require a balanced federal budget without raising taxes?*

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

CS for SB 2742 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—31

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

Nays—5

Aronberg	Joyner	Ring
Gelber	Rich	

Vote after roll call:

Nay—Wilson

Yea to Nay—Bullard, Hill, Justice, Lawson, Smith, Sobel

Nay to Yea—Ring

The Honorable Jeff Atwater, President

I am directed to inform the Senate that the House of Representatives has passed **SB 1166**, with 3 amendments, and requests the concurrence of the Senate.

Robert L. "Bob" Ward, Clerk

SB 1166—A bill to be entitled An act relating to community residential homes; amending s. 393.501, F.S.; prohibiting certain rules adopted by the Agency for Persons with Disabilities from restricting the number of facilities designated as community residential homes located within a planned residential community; amending s. 393.18, F.S.; authorizing the agency to issue a license as a comprehensive transitional education program to serve children who have severe behavioral conditions; amending s. 419.001, F.S.; defining the term "planned residential community"; providing that community residential homes located within a planned residential community may be contiguous to one another; providing an effective date.

House Amendment 1 (263363)—Remove lines 97-98 and insert: *developmental disabilities along with intensive behavioral problems as defined by the agency; and*

House Amendment 2 (778525)—Remove lines 141-145 and insert: *defined in s. 393.063 but that shall also provide housing options for other individuals. The community shall provide choices with regard to housing arrangements, support providers, and activities. The residents' freedom of movement within and outside the community may not be restricted. For the purposes of*

House Amendment 3 (245737) (with title amendment)—Remove line 150 and insert: *residential homes that are contiguous to one another. A planned residential community may not be located within a 10-mile radius of any other planned residential community.*

And the title is amended as follows:

Remove line 12 and insert: residential community"; providing that a planned residential community may not be located within a certain distance from another planned residential community; providing that community

On motion by Senator Altman, further consideration of the House message on **SB 1166** was deferred.

BILLS ON THIRD READING

CS for HB 393—A bill to be entitled An act relating to public records; creating s. 341.3026, F.S.; providing an exemption from public records requirements for personal identifying information held by a public transit provider for the purpose of facilitating the prepayment of transit fares or the acquisition of a prepaid transit fare card or similar device; providing for future review and repeal of the exemption; providing a statement of public necessity; providing an effective date.

—was read the third time by title.

On motion by Senator Gelber, **CS for HB 393** was passed by the required constitutional two-thirds vote of the members present and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

CS for HB 7109—A bill to be entitled An act relating to the tax refund program for qualified target industry businesses; amending s. 288.106, F.S.; providing legislative findings and declarations; revising and providing definitions; establishing a schedule for the Office of Tourism, Trade, and Economic Development to review and revise the list of target industries and submit a report to the Governor and Legislature; revising the criteria for evaluating applications for the program; requiring consideration of the state's return on investment in evaluating applications for participation in the program; requiring the Office of Economic and Demographic Research to submit reports to the Legislature evaluating the calculation of the state's return on investment for the program; requiring that additional provisions be included in tax refund agreements; redesignating the economic-stimulus exemption as the "economic recovery extension"; revising the date by which qualified target industry businesses may request economic recovery extensions; authorizing waiver of a requirement that qualified target industry businesses annually provide proof of taxes paid under certain conditions; requiring the Office of Tourism, Trade, and Economic Development to submit reports to the Governor and Legislature concerning the failure of qualified target industry businesses to complete their tax refund agreements; deleting obsolete provisions; revising the date by which a target industry business may be certified as qualified for the program; conforming cross-references; amending ss. 288.1089 and 290.00677, F.S.; conforming provisions to changes made by the act; amending ss. 159.803, 220.191, and 288.107, F.S.; conforming cross-references; providing an effective date.

—was read the third time by title.

On motion by Senator Garcia, **CS for HB 7109** was passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

CS for HB 491—A bill to be entitled An act relating to teaching nursing homes; amending s. 430.80, F.S.; revising the term "teaching nursing home" as it relates to the implementation of a teaching nursing home pilot project; revising the requirements to be designated as a teaching nursing home; amending s. 400.141, F.S.; conforming a cross-reference; providing an effective date.

—was read the third time by title.

On motion by Senator Aronberg, **CS for HB 491** was passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

CS for SB 834—A bill to be entitled An act relating to child care facilities; amending s. 402.302, F.S.; revising and providing definitions; providing for certain household children to be included in calculations regarding the capacity of licensed family day care homes and large family child care homes; providing conditions for supervision of household children of operators of family day care homes and large family child care homes; amending s. 402.318, F.S.; revising advertising requirements applicable to child care facilities; providing penalties; providing an effective date.

—was read the third time by title.

On motion by Senator Justice, **CS for SB 834** was passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

CS for HB 615—A bill to be entitled An act relating to substantial assistance; creating s. 921.186, F.S.; permitting the state attorney to request the sentencing court to reduce or suspend the sentence of a person who has been convicted of violating any felony offense and who provides substantial assistance in the identification, arrest, or conviction of any accomplice, accessory, coconspirator, or principal of the person or other felon; providing that the arresting agency shall be given an opportunity to be heard in aggravation or mitigation in reference to any such motion; providing that the motion may be filed and heard in camera for good cause shown; providing that a judge may reduce or suspend the sentence if the judge finds that the defendant rendered substantial assistance; providing an effective date.

—was read the third time by title.

On motion by Senator Aronberg, **CS for HB 615** was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

CS for HB 449—A bill to be entitled An act relating to sanctions for certain court pleadings; amending s. 57.105, F.S.; prohibiting a monetary sanction against a represented party for a claim that is presented as a good faith argument but that is found to not be supported by the application of then-existing law to material facts; prohibiting sanctions against a party or its attorneys by a court on its own initiative if the case has already been settled or voluntarily dismissed by that party; providing an effective date.

—was read the third time by title.

On motion by Senator Constantine, **CS for HB 449** was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Senate resumed consideration of—

SB 1166—A bill to be entitled An act relating to community residential homes; amending s. 393.501, F.S.; prohibiting certain rules adopted by the Agency for Persons with Disabilities from restricting the number of facilities designated as community residential homes located within a planned residential community; amending s. 393.18, F.S.; authorizing the agency to issue a license as a comprehensive transitional education program to serve children who have severe behavioral conditions; amending s. 419.001, F.S.; defining the term "planned residential community"; providing that community residential homes located within a planned residential community may be contiguous to one another; providing an effective date.

—which was previously considered in returning House Messages this day.

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

SB 1166 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

BILLS ON THIRD READING

The Senate resumed consideration of—

CS for HB 7179—A bill to be entitled An act relating to qualifying improvements to real property; creating s. 163.08, F.S.; providing legislative purposes and findings and intent; providing definitions; authorizing a local government to levy non-ad valorem assessments to fund certain improvements; authorizing a property owner to apply for funding and enter into a financing agreement with a local government to finance certain improvements; authorizing a local government to collect moneys for such purposes through non-ad valorem assessments; providing collection requirements; authorizing local governments to partner with other local governments to provide and finance certain improvements; authorizing a qualifying improvement program to be administered by a for-profit entity or not-for-profit organization under certain circumstances; authorizing a local government to incur debt payable from revenues received from the improved property; providing a financing restriction for local governments; requiring a financial agreement to be recorded in a county's public records within 5 days after execution of the agreement; specifying responsibilities for local governments before entering into financing agreements; requiring qualifying improvements to be affixed to a building or facility on the property and be performed by a properly certified or registered contractor; excluding certain projects from financing agreement coverage; limiting the amount of the non-ad valorem assessment to a percentage of the just value of the property; providing exceptions; specifying information provision requirements for property owners before entering into financing agreements; prohibiting acceleration of a mortgage under certain circumstances; providing assessment disclosure requirements; specifying unenforceability of certain agreement provisions; providing construction preserving a local government's home rule authority; providing an effective date.

—which was previously considered and amended this day.

Senator Bennett moved the following amendment:

Amendment 2 (926992) (with title amendment)—Between lines 251 and 252 insert:

Section 2. Section 366.92, Florida Statutes, is amended to read:

366.92 Florida renewable energy policy.—

(1) *In order to stimulate the state's economy, encourage businesses to invest in clean technologies, and foster research, development, manufacturing, construction, and jobs in new and renewable energy,* it is the intent of the Legislature to promote the development of renewable en-

ergy; protect the economic viability of Florida's existing renewable energy facilities; diversify the types of fuel used to generate electricity in Florida; lessen Florida's dependence on natural gas and fuel oil for the production of electricity; minimize the volatility of fuel costs; encourage investment within the state; improve environmental conditions; and, at the same time, minimize the costs of *renewable* power supply to electric utilities and their customers. *It is the further intent of the Legislature that all prudently incurred costs of renewable energy shall be recoverable from electric utility customers through the environmental cost recovery clause.*

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

(a) "Florida renewable energy resources" means renewable energy, as defined in s. 377.803, that is produced in Florida.

(b) "Provider" means a "utility" as defined in s. 366.8255(1)(a).

(c) "Renewable energy" means renewable energy as defined in s. 366.91(2)(d).

~~(d) "Renewable energy credit" or "REC" means a product that represents the unbundled, separable, renewable attribute of renewable energy produced in Florida and is equivalent to 1 megawatt-hour of electricity generated by a source of renewable energy located in Florida.~~

~~(e) "Renewable portfolio standard" or "RPS" means the minimum percentage of total annual retail electricity sales by a provider to consumers in Florida that shall be supplied by renewable energy produced in Florida.~~

~~(3) The commission shall adopt rules for a renewable portfolio standard requiring each provider to supply renewable energy to its customers directly, by procuring, or through renewable energy credits. In developing the RPS rule, the commission shall consult the Department of Environmental Protection and the Florida Energy and Climate Commission. The rule shall not be implemented until ratified by the Legislature. The commission shall present a draft rule for legislative consideration by February 1, 2009.~~

~~(a) In developing the rule, the commission shall evaluate the current and forecasted levelized cost in cents per kilowatt hour through 2020 and current and forecasted installed capacity in kilowatts for each renewable energy generation method through 2020.~~

~~(b) The commission's rule:~~

~~1. Shall include methods of managing the cost of compliance with the renewable portfolio standard, whether through direct supply or procurement of renewable power or through the purchase of renewable energy credits. The commission shall have rulemaking authority for providing annual cost recovery and incentive-based adjustments to authorized rates of return on common equity to providers to incentivize renewable energy. Notwithstanding s. 366.91(3) and (4), upon the ratification of the rules developed pursuant to this subsection, the commission may approve projects and power sales agreements with renewable power producers and the sale of renewable energy credits needed to comply with the renewable portfolio standard. In the event of any conflict, this subparagraph shall supersede s. 366.91(3) and (4). However, nothing in this section shall alter the obligation of each public utility to continuously offer a purchase contract to producers of renewable energy.~~

~~2. Shall provide for appropriate compliance measures and the conditions under which noncompliance shall be excused due to a determination by the commission that the supply of renewable energy or renewable energy credits was not adequate to satisfy the demand for such energy or that the cost of securing renewable energy or renewable energy credits was cost prohibitive.~~

~~3. May provide added weight to energy provided by wind and solar photovoltaic over other forms of renewable energy, whether directly supplied or procured or indirectly obtained through the purchase of renewable energy credits.~~

~~4. Shall determine an appropriate period of time for which renewable energy credits may be used for purposes of compliance with the renewable portfolio standard.~~

~~5. Shall provide for monitoring of compliance with and enforcement of the requirements of this section.~~

~~6. Shall ensure that energy credited toward compliance with the requirements of this section is not credited toward any other purpose.~~

~~7. Shall include procedures to track and account for renewable energy credits, including ownership of renewable energy credits that are derived from a customer-owned renewable energy facility as a result of any action by a customer of an electric power supplier that is independent of a program sponsored by the electric power supplier.~~

~~8. Shall provide for the conditions and options for the repeal or alteration of the rule in the event that new provisions of federal law supplant or conflict with the rule.~~

~~(c) Beginning on April 1 of the year following final adoption of the commission's renewable portfolio standard rule, each provider shall submit a report to the commission describing the steps that have been taken in the previous year and the steps that will be taken in the future to add renewable energy to the provider's energy supply portfolio. The report shall state whether the provider was in compliance with the renewable portfolio standard during the previous year and how it will comply with the renewable portfolio standard in the upcoming year.~~

(3)~~(4) In order to demonstrate the feasibility and viability of clean energy systems,~~ The commission shall provide for full cost recovery under the environmental cost-recovery clause of all reasonable and prudent costs incurred by a provider *of Florida renewable energy resources* ~~for renewable energy projects that are zero greenhouse gas emitting at the point of generation, up to a total of 110 megawatts statewide, and for which the provider has secured necessary land, zoning permits, and transmission rights within the state~~. *A provider may build Florida renewable energy resources, convert existing fossil fuel generation plants to a Florida renewable energy resource, or purchase renewable energy. A provider may recover all reasonable and prudent costs, as provided herein, associated with building Florida renewable energy resources, converting existing fossil fuel generation plants to a Florida renewable energy resource, or purchasing renewable energy under the environmental cost-recovery clause. Each provider has the sole discretion to determine the type and technology of the Florida renewable energy resources that it elects to build and determine whether to self-build or contract for purchase power with a third party.*

(a) Notwithstanding s. 403.519, the Legislature finds that there is a need for new Florida renewable energy resources consistent with the goals stated in subsection (1). This finding shall serve as the need determination required under s. 403.519 and as the commission's agency report under s. 403.507(4)(a).

(b) A provider may file a petition for approval of a facility producing a Florida renewable energy resource through July 1, 2015. Upon the filing by a provider of a petition for approval of a facility producing a Florida renewable energy resource, the commission shall schedule a formal administrative hearing within 10 days after the filing of the petition and vote on the petition within 90 days after such filing. ~~Such costs shall be deemed reasonable and prudent for purposes of cost recovery so long as the provider has used reasonable and customary industry practices in the design, procurement, and construction of the project in a cost effective manner appropriate to the location of the facility. The provider shall report to the commission as part of the cost recovery proceedings the construction costs, in service costs, operating and maintenance costs, hourly energy production of the renewable energy project, and any other information deemed relevant by the commission. Any provider constructing a clean energy facility pursuant to this section shall file for cost recovery no later than July 1, 2009.~~

(4) Each provider may purchase or produce Florida renewable energy having capacity or energy costs in excess of the fully avoided cost limitations in s. 366.051, subject to the following limitations and conditions:

(a) The cost of producing or purchasing Florida renewable energy in any calendar year in excess of the fully avoided cost limitations in s. 366.051 shall not exceed, as a percentage of the investor-owned utility's total revenue from retail sales of electricity for the 2009 calendar year, one percent for 2011 and two percent thereafter. Five percent of the amount of this cap must be made available for purchases of the renewable attribute of the renewable energy produced by customer-owned renewable energy

generation, as defined in s. 366.91, from facilities that do not exceed 2 megawatts in capacity. Costs shall be computed using a methodology that averages the revenue requirements of the renewable energy resource or the purchases over their economic lives. Costs incurred by a provider in 2010 for Florida renewable energy resources for which construction is commenced or for renewable energy purchased on or after the effective date of this act shall be counted toward and included in the calculation of the cost cap. Costs for renewable energy resources approved by the commission for cost recovery through the environmental cost-recovery clause before the effective date of this act shall not be subject to or included in the calculation of the cost cap. Any unused portion of the available cost cap funds in a specific year shall be carried forward and added to the cost cap for the following year. In addition, a utility may elect to carry forward costs incurred for Florida renewable energy resources which exceed the cost cap in a specific year and apply such costs to the cost cap in the following year.

(b) If a provider pays costs for purchased power above the limitations set out in s. 366.051, the seller shall surrender to the provider all renewable attributes of the energy being purchased by the provider.

(c) Revenues derived from any renewable energy credit, carbon credit, or other mechanism that attributes value to the production of renewable energy or reduction of carbon emissions, either existing or hereafter devised, received by a provider by virtue of the production or purchase of renewable energy or other production of energy for which cost recovery is approved shall be shared with the provider's ratepayers such that the ratepayers are credited no less than 90 percent of such revenues. However, through July 1, 2015, ten percent of revenues derived from renewable energy credits related to non-solar renewable energy purchases is to be credited to ratepayers.

(5) Each municipal electric utility and rural electric cooperative shall develop standards for the promotion, encouragement, and expansion of the use of renewable energy resources and energy conservation and efficiency measures. On or before April 1, 2009, and annually thereafter, each municipal electric utility and electric cooperative shall submit to the commission a report that identifies such standards.

(6) All prudently incurred costs of renewable energy shall be recoverable under s. 366.8255.

(7) A provider must acquire commission approval before the construction, licensing, and operation of a facility producing such resources or the purchase of capacity or energy from a facility producing such resources.

(a) In determining whether to approve the petition, the commission shall consider whether the:

1. Proposal for the facility requires the use of reasonable and customary industry practices in the design, engineering, procurement, and construction of the project in a cost-effective manner appropriate to the proposed technology and location of the facility.

2. Entity, including a provider, which would engineer, design, and construct the proposed facility has the requisite technical and financial qualifications, expertise, and capability.

3. Entity, including a provider, which would operate the proposed facility has the requisite technical qualifications, expertise, and capability.

4. Projected costs for the project are less than or equal to the levelized cost of electricity of comparable solar energy facilities previously approved by the commission.

(b) For purchase of renewable energy from third-party generating facilities in the state, any petition for approval of a purchased power agreement that is filed with the commission before April 2, 2010, and remains pending on the effective date of this act shall be considered to have been filed in accordance with and subject to this section.

(c) The commission's final order approving a facility shall include express authorization for annual cost recovery pursuant to ss. 366.8255 and 366.92 of the costs determined under this section.

(8) The provider shall report to the commission as part of the cost-recovery proceedings the construction costs, in-service costs, operating and maintenance costs, hourly energy production of the renewable energy project, and any other information deemed relevant by the commission.

(9) The commission shall allow full cost recovery over the entire useful life of the Florida renewable energy resource of the revenue requirements using traditional declining balance amortization through the environmental cost-recovery clause of all reasonable and prudent costs incurred by the provider related to or resulting from activities under this section, including, but not limited to, the following:

(a) The siting, licensing, engineering, design, permitting, construction, operation, and maintenance of Florida renewable energy resources and associated transmission facilities by the provider. Cost includes, but is not limited to, all capital investments, including rate of return and any applicable taxes and all expenses, including operation and maintenance expenses, for the purposes stated in this subsection;

(b) The reasonable and prudent costs associated with the purchase of capacity and energy from new renewable energy resources; or

(c) The reasonable and prudent costs for conversion of existing fossil fuel generating plants to a Florida renewable energy resource, including the costs of retirement of the fossil fuel generation plant.

(10) In order to further promote renewable energy, any expansion of an existing renewable energy electric generating facility, subject to a total of up to 200 net megawatts statewide, for which a site certification application has been filed before January 1, 2011, and which is owned by a local government entity does not require a determination of need pursuant to s. 403.519.

(11)~~(6)~~ Nothing in this section *or actions taken pursuant to this section* shall be construed to impede or impair terms and conditions of existing contracts *or be a basis for renegotiating or repricing existing contracts*.

(12) Nothing in this section impedes or impairs a provider's full cost recovery of all reasonable and prudent costs incurred for renewable energy projects approved by the commission as eligible for cost recovery through the environmental cost-recovery clause before the effective date of this act. Nothing in this section requires a provider to build Florida renewable energy resources, convert existing fossil fuel generation plants to a Florida renewable resource, or purchase renewable energy. Furthermore a provider is not required to contract for generation at a price above its avoided cost if doing so would be inconsistent with or violate the Public Utility Regulatory Policies Act of 1978, as amended.

(13)~~(7)~~ The commission may adopt rules to administer and implement the provisions of this section.

Section 3. *On or before January 1, 2011, the Public Service Commission must file with the Governor, the President of the Senate, and the Speaker of the House of Representatives a report containing an evaluation of full avoided costs, including the premises underlying the avoided cost standard, the purpose of purchases from and payment to non-utility electricity producers, the effect on the purchasing utility's ratepayers, and the effect on those receiving the payments. At a minimum, the report must address in detail:*

(1) Each of the categories or types of costs incurred by public utilities in their operations, including, as a separate item, the cost to ratepayers of the utility's rate of return;

(2) Which of these costs are related to capacity and which are related to energy;

(3) The amount of each type of costs that was included in a residential customer's per kilowatt hour charge;

(4) Which costs could potentially be avoided by a purchase of renewable energy and which typically were actually avoided;

(5) The effect of the ten-year site plant and the reserve margin on costs actually avoided;

(6) How the amount of these avoided costs was calculated, including the determination of which utility costs were avoided and how these costs were quantified; and

(7) How the details of purchases, including the exact time of purchase, was determined and recorded;

(8) Whether any costs were incurred in the process of determining the amount of avoided costs to be paid for each purchase, and, if so, the total amount of these costs; and

(9) The impact to ratepayers and those receiving avoided cost payments.

Section 4. *The Legislature finds that there is a need for a funding mechanism to support and finance a comprehensive energy policy, especially as it relates to sustainable and renewable energy, energy conservation, and energy efficiencies. With such a stable funding mechanism, this state will realize important long-term goals, including:*

(1) Increased independence from foreign oil.

(2) Ensuring an adequate and reliable energy supply.

(3) The promotion of economic growth and new investment in the creation of high-paying jobs.

(4) The mitigation of adverse environmental impacts and the promotion of stewardship of the environment.

(5) Leading the nation in energy conservation and energy efficiencies through needed support for implementing and marketing the products of renewable energy research and innovation.

(6) Contributing to a sustainable and renewable energy policy for the state.

Section 5. Subsections (1) and (2) of section 377.806, Florida Statutes, are amended to read:

377.806 Solar Energy System Incentives Program.—

(1) PURPOSE.—The Solar Energy System Incentives Program is established within the commission to provide financial incentives for the purchase and installation of solar energy systems. Any resident of the state who purchases and installs a new solar energy system of 2 kilowatts or larger for a solar photovoltaic system, a solar energy system that provides at least 50 percent of a building's hot water consumption for a solar thermal system, or a solar thermal pool heater, from July 1, 2006, through June 30, *2016* ~~2010~~, is eligible for a rebate on a portion of the purchase price of that solar energy system.

(2) SOLAR PHOTOVOLTAIC SYSTEM INCENTIVE.—

(a) *Eligibility requirements.*—A solar photovoltaic system qualifies for a rebate if:

1. The system is installed by a state-licensed master electrician, electrical contractor, or solar contractor.

2. The system complies with state interconnection standards as provided by the Florida Public Service Commission.

3. The system complies with all applicable building codes as defined by the Florida Building Code.

(b) *Rebate amounts.*—The rebate amount shall be set at *$2* ~~$4~~ per watt based on the total wattage rating of the system. The maximum allowable rebate per solar photovoltaic system installation shall be as follows:

1. *Ten* ~~Twenty~~ thousand dollars for a residence.

2. *Fifty* ~~One hundred~~ thousand dollars for a place of business, a publicly owned or operated facility, or a facility owned or operated by a private, not-for-profit organization, including condominiums or apartment buildings.

(c) All publicly accessible and disseminated information about the Solar Energy System Incentives Program shall include prominently displayed information regarding:

1. The amount of funds that remain to provide rebates for the approved applications, updated, at a minimum, on a monthly basis.

2. Information about the total number and dollar amount of approved and funded solar rebate applications, updated, at a minimum, on a monthly basis.

3. A statement that no more applications for solar rebates are accepted once funds are depleted.

(d) Beginning January 1, 2011, each electric utility that owns, maintains, or operates an electric generation, transmission, or distribution system in the state shall include the following on each residential, commercial, and industrial electric utility customer's monthly electric bill to provide the revenues for the Solar Energy System Incentives Program:

1. The following option boxes:

a. A check box for a voluntary contribution of $1.

b. A check box for a voluntary contribution of $5.

c. A check box for a voluntary contribution of $10.

2. The following statement: "Your voluntary contribution supports Florida's Solar Energy System Incentives Program to help offset the cost of solar panel installation for you, your neighbors, and other Florida residents and business owners. Thank you for helping Florida truly become the 'Sunshine State.'"

(e) Voluntary contributions shall be added by the electric utility customer to the amount of his or her monthly utility charges and the total shall be remitted to the electric utility.

(f) The electric utility shall collect and transmit the voluntary contributions into the Solar Energy System Incentives Program quarterly.

(g) The Florida Energy and Climate Commission shall establish a direct-support organization to provide assistance, funding, and support for carrying out the Solar Energy System Incentives Program. The Florida Energy and Climate Commission shall establish administrative rules and reporting requirements for the operation of the direct-support organization, including oversight of and procedures for the electric utilities' administration, collection, and transmission procedures of customers' voluntary contributions.

Section 6. Section 377.601, Florida Statutes, is amended to read:

377.601 Legislative intent.—

(1) *The purpose of the state's energy policy is to ensure an adequate and reliable supply of energy for the state in a manner that promotes the health and welfare of the public, promotes sustainable economic growth, and minimizes and mitigates any adverse impacts. The Legislature intends that governance of the state's energy policy be efficiently directed toward achieving this purpose.* ~~The Legislature finds that the state's energy security can be increased by lessening dependence on foreign oil; that the impacts of global climate change can be reduced through the reduction of greenhouse gas emissions; and that the implementation of alternative energy technologies can be a source of new jobs and employment opportunities for many Floridians. The Legislature further finds that the state is positioned at the front line against potential impacts of global climate change. Human and economic costs of those impacts can be averted by global actions and, where necessary, adapted to by a concerted effort to make Florida's communities more resilient and less vulnerable to these impacts. In focusing the government's policy and efforts to benefit and protect our state, its citizens, and its resources, the Legislature believes that a single government entity with a specific focus on energy and climate change is both desirable and advantageous. Further, the Legislature finds that energy infrastructure provides the foundation for secure and reliable access to the energy supplies and services on which Florida depends. Therefore, there is significant value to Florida consumers that comes from investment in Florida's energy infrastructure that increases system reliability, enhances energy independence and diversification, stabilizes energy costs, and reduces greenhouse gas emissions.~~

(2) *In furtherance of this purpose, the state's energy policy shall be implemented through effective, efficient, and reliable governance and shall be guided by the following goals in order of their priority:*

(a) Ensuring an affordable energy supply.

(b) Ensuring adequate supply and capacity.

(c) Ensuring a secure and reliable energy supply.

(d) Minimizing energy cost volatility.

(e) Minimizing the negative impacts of energy production on the state's environment, social fabric, and the public health and welfare.

(f) Maximizing economic synergies for the state associated with its energy policy.

(g) Reducing the net export of energy expenditures.

(3) It is *further* the policy of the state ~~of Florida~~ to:

(a) Develop and promote the effective use of energy in the state, discourage all forms of energy waste, and recognize and address the potential of global climate change wherever possible.

(b) Play a leading role in developing and instituting energy management programs aimed at promoting energy conservation, energy security, and the reduction of greenhouse gas emissions.

(c) Include energy considerations in all state, regional, and local planning.

(d) Utilize and manage effectively energy resources used within state agencies.

(e) Encourage local governments to include energy considerations in all planning and to support their work in promoting energy management programs.

(f) Include the full participation of citizens in the development and implementation of energy programs.

(g) Consider in its decisions the energy needs of each economic sector, including residential, industrial, commercial, agricultural, and governmental uses, and reduce those needs whenever possible.

(h) Promote energy education and the public dissemination of information on energy and its environmental, economic, and social impact.

(i) Encourage the research, development, demonstration, and application of alternative energy resources, particularly renewable energy resources.

(j) Consider, in its decisionmaking, the social, economic, and environmental impacts of energy-related activities, including the whole-life-cycle impacts of any potential energy use choices, so that detrimental effects of these activities are understood and minimized.

(k) Develop and maintain energy emergency preparedness plans to minimize the effects of an energy shortage within Florida.

Section 7. Subsection (14) of section 403.503, Florida Statutes, is amended to read:

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

(14) "Electrical power plant" means, for the purpose of certification, any steam ~~or solar~~ electrical generating facility using any process or fuel, including nuclear materials, except that this term does not include any steam ~~or solar~~ electrical generating facility of less than 75 megawatts in capacity *or any solar electrical generating facility of any sized capacity* unless the applicant for such a facility elects to apply for certification under this act. This term also includes the site; all associated facilities that will be owned by the applicant that are physically connected to the site; all associated facilities that are indirectly connected to the site by other proposed associated facilities that will be owned by the applicant; and associated transmission lines that will be owned by the applicant which connect the electrical power plant to an existing transmission network or rights-of-way to which the applicant intends to connect. At the applicant's option, this term may include any offsite associated facilities that will not be owned by the applicant; offsite associated facilities that are owned by the applicant but that are not directly connected to the site; any proposed terminal or intermediate substations or substation expansions connected to the associated transmission line; or new transmission lines, upgrades, or improvements of an existing transmission line on any portion of the applicant's electrical transmission system necessary to support the generation injected into the system from the proposed electrical power plant.

And the title is amended as follows:

Delete lines 2-36 and insert: An act relating to energy; creating s. 163.08, F.S.; providing legislative findings and intent; providing definitions; authorizing a local government to levy non-ad valorem assessments to fund certain improvements; authorizing a property owner to apply for funding and enter into a financing agreement with a local government to finance certain improvements; authorizing a local government to collect moneys for such purposes through non-ad valorem assessments; providing collection requirements; authorizing local governments to partner with other local governments to provide and finance certain improvements; authorizing a qualifying improvement program to be administered by a for-profit entity or not-for-profit organization under certain circumstances; authorizing a local government to incur debt payable from revenues received from the improved property; providing a financing restriction for local governments; requiring a financial agreement to be recorded in a county's public records within 5 days after execution of the agreement; specifying responsibilities for local governments before entering into financing agreements; requiring qualifying improvements to be affixed to a building or facility on the property and be performed by a properly certified or registered contractor; excluding certain projects from financing agreement coverage; limiting the amount of the non-ad valorem assessment to a percentage of the just value of the property; providing exceptions; specifying information to be provided to property owners before entering into financing agreements; prohibiting acceleration of a mortgage under certain circumstances; providing assessment disclosure requirements; specifying unenforceability of certain agreement provisions; providing for the act to be construed as preserving a local government's home rule authority; amending s. 366.92, F.S.; revising legislative intent regarding the state's renewable energy policy; deleting provisions requiring that the Public Service Commission adopt rules for a renewable portfolio standard; requiring that the commission provide for full cost recovery for renewable energy resources; allowing providers of Florida renewable energy resources build such resources, convert existing fossil fuel generation plants to a renewable energy resource, or purchase renewable energy; requiring that the commission schedule a formal administrative hearing after the filing of a petition for approval of a facility producing a renewable energy resource and vote on such petition within a specified number of days after filing; providing that each provider may purchase or produce renewable energy that has capacity or energy costs in excess of the fully avoided cost limitations; specifying such cost limitations; providing for renewable attributes; providing guidelines for cost recovery; providing legislative findings; amending s. 377.806, F.S.; revising the expiration date for the Solar Energy System Incentives Program; extending the period of time for which residents of the state are eligible to receive rebates for specified solar energy systems; revising the rebate amount for eligible solar energy systems; providing for public dissemination of certain information about the program; requiring electric utilities to include certain information in customers' monthly electric bills, collect voluntary contributions from customers for the program, and remit the contributions to the program; requiring the Florida Energy and Climate Commission to adopt rules and to establish a direct-support organization for administration of the program; amending s. 377.601, F.S.; revising legislative intent relating to the state's energy policy; amending s. 403.503, F.S.; revising the definition of "electrical power plant" for purposes of the Florida Electrical Power Plant Siting Act; providing an effective date.

POINT OF ORDER

Senator Dean raised a point of order that pursuant to Rule 7.1 **Amendment 2** 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 Bennett, further consideration of **CS for HB 7179** with pending **Amendment 2 (926992)** and pending point of order by Senator Dean was deferred.

CS for SB 1356—A bill to be entitled An act relating to transitional services for youth; amending s. 985.03, F.S.; defining the term "transition to adulthood"; creating s. 985.461, F.S.; providing legislative intent

concerning transition to adulthood services for youth in the custody of the Department of Juvenile Justice; providing for eligibility for services from both departments for youth served by the department who are legally in the custody of the Department of Children and Family Services; providing that an adjudication of delinquency does not, by itself, disqualify a youth in foster care from certain services from the Department of Children and Family Services; providing powers and duties of the Department of Juvenile Justice for transition services; providing for assessments; providing for a plan for a youth leading to independence; amending s. 985.0301, F.S.; providing for retention of court jurisdiction over a child for a specified period beyond the child's 19th birthday if the child is participating in a transition to adulthood program; providing that certain services require voluntary participation by affected youth and are not intended to create an involuntary court-sanctioned residential commitment; providing an effective date.

—was read the third time by title.

On motion by Senator Wise, **CS for SB 1356** was passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

CS for HB 1505—A bill to be entitled An act relating to the John M. McKay Scholarships for Students with Disabilities Program; amending s. 1002.39, F.S.; revising student eligibility requirements for participation in the scholarship program; authorizing students who are eligible to enter kindergarten to receive a John M. McKay Scholarship; providing eligibility requirements for a student identified with a developmental delay; authorizing students who were enrolled and reported by a school district for funding during any prior year Florida Education Finance Program surveys to receive a John M. McKay Scholarship; defining the term "owner or operator"; authorizing the Commissioner of Education to deny, suspend, or revoke a private school's participation in the scholarship program for certain acts or omissions by an owner or operator of the private school; conforming cross-references; permitting students to receive instruction and services from a private school at a site other than the physical location of the private school under specified conditions; amending s. 1002.20, F.S.; conforming provisions; providing an effective date.

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

On motion by Senator Gardiner, **CS for HB 1505** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

CS for CS for SB 1382—A bill to be entitled An act relating to child care facilities; amending s. 402.281, F.S.; providing that certain child care facilities, large family child care homes, and family day care homes that are accredited by a nationally recognized accrediting association may apply to the Department of Children and Family Services to receive a "Gold Seal Quality Care" designation; requiring the department to use certain standards and to consult with specified organizations when developing the Gold Seal Quality Care program standards; requiring the department to notify accrediting associations if the department proposes to revise the Gold Seal Quality Care program standards; requiring each accrediting association to notify the department within a stated time of its intent to revise its accreditation standards or discontinue participation in the Gold Seal Quality Care program; requiring an accrediting association that intends to revise its accreditation standards to do so within 90 days after notification from the department; amending s. 402.305, F.S.; prohibiting a person under the age of 18 from being the operator of a child care facility; requiring the department to address minimum age requirements for before-school and after-school care; providing exceptions; stating the minimum educational standards for child care facility employees; providing exceptions; requiring employees who do not meet the minimum educational standards by a specified date to do so within 1 year; requiring child care staff to possess specified credentials; reenacting s. 1007.23(5), F.S., relating to child development associate credentials, to incorporate the amendment made to s. 402.305, F.S., in a reference thereto; providing an effective date.

—was read the third time by title.

MOTION

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

Senator Justice moved the following amendment which was adopted by two-thirds vote:

Amendment 1 (531990) (with title amendment)—Delete lines 121-180 and insert:

Section 2. Section 402.302, Florida Statutes, is amended to read:

402.302 Definitions.—*As used in this chapter, the term:*

(1) "Child care" means the care, protection, and supervision of a child, for a period of less than 24 hours a day on a regular basis, which supplements parental care, enrichment, and health supervision for the child, in accordance with his or her individual needs, and for which a payment, fee, or grant is made for care.

(2) "Child care facility" includes any child care center or child care arrangement which provides child care for more than five children unrelated to the operator and which receives a payment, fee, or grant for any of the children receiving care, wherever operated, and whether or not operated for profit. The following are not included:

(a) Public schools and nonpublic schools and their integral programs, except as provided in s. 402.3025;

(b) Summer camps having children in full-time residence;

(c) Summer day camps;

(d) Bible schools normally conducted during vacation periods; and

(e) Operators of transient establishments, as defined in chapter 509, which provide child care services solely for the guests of their establishment or resort, provided that all child care personnel of the establishment are screened according to the level 2 screening requirements of chapter 435.

(3) "Child care personnel" means all owners, operators, employees, and volunteers working in a child care facility. The term does not include persons who work in a child care facility after hours when children are not present or parents of children in Head Start. For purposes of screening, the term includes any member, over the age of 12 years, of a child care facility operator's family, or person, over the age of 12 years, residing with a child care facility operator if the child care facility is located in or adjacent to the home of the operator or if the family member of, or person residing with, the child care facility operator has any direct contact with the children in the facility during its hours of operation. Members of the operator's family or persons residing with the operator who are between the ages of 12 years and 18 years shall not be required to be fingerprinted but shall be screened for delinquency records. For purposes of screening, the term shall also include persons who work in child care programs which provide care for children 15 hours or more each week in public or nonpublic schools, summer day camps, family day care homes, or those programs otherwise exempted under s. 402.316. The term does not include public or nonpublic school personnel who are providing care during regular school hours, or after hours for activities related to a school's program for grades kindergarten through 12. A volunteer who assists on an intermittent basis for less than 40 hours per month is not included in the term "personnel" for the purposes of screening and training, provided that the volunteer is under direct and constant supervision by persons who meet the personnel requirements of s. 402.305(2). Students who observe and participate in a child care facility as a part of their required coursework shall not be considered child care personnel, provided such observation and participation are on an intermittent basis and the students are under direct and constant supervision of child care personnel.

(4) "Department" means the Department of Children and Family Services.

(5) "Drop-in child care" means child care provided occasionally in a child care facility in a shopping mall or business establishment where a child is in care for no more than a 4-hour period and the parent remains on the premises of the shopping mall or business establishment at all times. Drop-in child care arrangements shall meet all requirements for a child care facility unless specifically exempted.

(6) "Evening child care" means child care provided during the evening hours and may encompass the hours of 6:00 p.m. to 7:00 a.m. to accommodate parents who work evenings and late-night shifts.

(7) "Family day care home" means an occupied residence in which child care is regularly provided for children from at least two unrelated families and which receives a payment, fee, or grant for any of the children receiving care, whether or not operated for profit. *Household children under 13 years of age, when on the premises of the family day care home or on a field trip with children enrolled in child care, shall be included in the overall capacity of the licensed home.* A family day care home shall be allowed to provide care for one of the following groups of children, which shall include *household* ~~those~~ children under 13 years of age ~~who are related to the caregiver~~:

(a) A maximum of four children from birth to 12 months of age.

(b) A maximum of three children from birth to 12 months of age, and other children, for a maximum total of six children.

(c) A maximum of six preschool children if all are older than 12 months of age.

(d) A maximum of 10 children if no more than 5 are preschool age and, of those 5, no more than 2 are under 12 months of age.

(8) "Household children" means children who are related by blood, marriage, or legal adoption to, or who are the legal wards of, the family day care home operator, the large family child care home operator, or an adult household member who permanently or temporarily resides in the home. Supervision of the operator's household children shall be left to the discretion of the operator unless those children receive subsidized child care to be in the home.

(9)~~(8)~~ "Large family child care home" means an occupied residence in which child care is regularly provided for children from at least two unrelated families, which receives a payment, fee, or grant for any of the children receiving care, whether or not operated for profit, and which has at least two full-time child care personnel on the premises during the hours of operation. One of the two full-time child care personnel must be the owner or occupant of the residence. A large family child care home must first have operated as a licensed family day care home for 2 years, with an operator who has had a child development associate credential or its equivalent for 1 year, before seeking licensure as a large family child care home. *Household children under 13 years of age, when on the premises of the large family child care home or on a field trip with children enrolled in child care, shall be included in the overall capacity of the licensed home.* A large family child care home shall be allowed to provide care for one of the following groups of children, which shall include *household* ~~those~~ children under 13 years of age ~~who are related to the caregiver~~:

(a) A maximum of 8 children from birth to 24 months of age.

(b) A maximum of 12 children, with no more than 4 children under 24 months of age.

(10)~~(9)~~ "Indoor recreational facility" means an indoor commercial facility which is established for the primary purpose of entertaining children in a planned fitness environment through equipment, games, and activities in conjunction with food service and which provides child care for a particular child no more than 4 hours on any one day. An indoor recreational facility must be licensed as a child care facility under s. 402.305, but is exempt from the minimum outdoor-square-footage-per-child requirement specified in that section, if the indoor recreational facility has, at a minimum, 3,000 square feet of usable indoor floor space.

(11)~~(10)~~ "Local licensing agency" means any agency or individual designated by the county to license child care facilities.

(12)~~(11)~~ "Operator" means any onsite person ultimately responsible for the overall operation of a child care facility, whether or not he or she is the owner or administrator of such facility.

(13)~~(12)~~ "Owner" means the person who is licensed to operate the child care facility.

(14)~~(13)~~ "Screening" means the act of assessing the background of child care personnel and volunteers and includes, but is not limited to, employment history checks, local criminal records checks through local law enforcement agencies, fingerprinting for all purposes and checks in this subsection, statewide criminal records checks through the Department of Law Enforcement, and federal criminal records checks through the Federal Bureau of Investigation.

(15)~~(14)~~ "Secretary" means the Secretary of Children and Family Services.

(16)~~(15)~~ "Substantial compliance" means that level of adherence which is sufficient to safeguard the health, safety, and well-being of all children under care. Substantial compliance is greater than minimal adherence but not to the level of absolute adherence. Where a violation or variation is identified as the type which impacts, or can be reasonably expected within 90 days to impact, the health, safety, or well-being of a child, there is no substantial compliance.

(17)~~(16)~~ "Weekend child care" means child care provided between the hours of 6 p.m. on Friday and 6 a.m. on Monday.

Section 3. Paragraphs (c) and (f) of subsection (2) and subsection (3) of section 402.305, Florida Statutes, are amended, and paragraph (g) is added to subsection (2) of that section, to read:

402.305 Licensing standards; child care facilities.—

(2) PERSONNEL.—Minimum standards for child care personnel shall include minimum requirements as to:

(c) Minimum age requirements. *The* ~~Such~~ minimum standards *must* ~~shall~~ prohibit a person under the age of 21 from being the operator of a child care facility and a person under the age of *18* ~~16~~ from being employed at such facility unless *he or she* ~~such person~~ is under direct *and constant* supervision *of screened and trained staff who are 18 years of age or older* and *he or she* is not counted for the purposes of *calculating* ~~computing~~ the *staff-to-child* ~~personnel to child~~ ratio. *The standards established for before-school and after-school care pursuant to paragraph (1)(c) must address minimum age requirements.*

(f) ~~By January 1, 2000,~~ A credential for child care facility directors. ~~By January 1, 2004,~~ The credential *is the* ~~shall be a~~ required minimum standard for licensing *child care facility directors*.

(g) Minimum education standards for child care personnel. Minimum education standards shall prohibit persons who have not obtained a high school diploma or high school equivalency diploma under s. 1003.435 from being employed as child care personnel unless such a person is:

1. Under the direct and constant supervision of screened and trained staff and is not counted for purposes of calculating the staff-to-child ratio;

2. Not serving in an instructional position and is not counted for purposes of calculating the staff-to-child ratio; or

3. Employed in an instructional position on July 1, 2010, and has 10 or more continuous years of documented experience working with children in a child care setting or in a public school.

Those child care personnel who are employed by a child care facility on July 1, 2010, who do not possess the minimum educational requirements set forth in this paragraph and who are not exempt from the requirements of this paragraph must complete the educational requirements by July 1, 2011. Persons who do not complete the appropriate educational requirements are prohibited from employment as child care personnel until such time as they are in compliance with this paragraph.

(3) MINIMUM STAFF CREDENTIALS.—*If a facility operates for 8 or more hours per week* ~~By July 1, 1996~~, for every 20 children in *the* ~~a~~ licensed child care facility, *beginning with the first child* ~~if the facility operates 8 hours or more per week~~, one of the child care personnel in the facility must have:

(a) A *current* child development associate credential;

(b) A *current* child care professional credential, unless the department determines that such child care professional credential is not equivalent to or greater than a child development associate credential; or

(c) A *current* credential that is equivalent to or greater than the credential required in paragraph (a) or paragraph (b).

The department shall establish by rule those hours of operation, such as during rest periods and transitional periods, when this subsection does not apply.

Section 4. Section 402.318, Florida Statutes, is amended to read:

402.318 Advertisement.—No person*, as defined in s. 1.01(3),* shall advertise *or publish an advertisement for* a child care facility*, family day care home, or large family child care home* without including within such advertisement the state or local agency license number *or registration number* of such facility *or home*. Violation of this section is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

And the title is amended as follows:

Delete lines 21-31 and insert: from the department; amending s. 402.302, F.S.; revising and providing definitions; providing for certain household children to be included in calculations regarding the capacity of licensed family day care homes and large family child care homes; providing conditions for supervision of household children of operators of family day care homes and large family child care homes; amending s. 402.305, F.S.; prohibiting a person under the age of 18 from being the operator of a child care facility; requiring the department to address minimum age requirements for before-school and after-school care; providing exceptions; stating the minimum educational standards for child care facility employees; providing exceptions; requiring employees who do not meet the minimum educational standards by a specified date to do so within 1 year; requiring child care staff to possess specified credentials; amending s. 402.318, F.S.; revising advertising requirements applicable to child care facilities; providing penalties; reenacting s.

On motion by Senator Rich, **CS for CS for SB 1382** as amended was passed, ordered engrossed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

CS for HB 7069—A bill to be entitled An act relating to background screening; amending s. 39.001, F.S.; revising an exemption from screening requirements for volunteers; amending s.39.821, F.S.; revising background screening requirements for the Guardian Ad Litem Program; amending s. 215.5586, F.S.; removing reference to chapter 435, F.S., for background screening of hurricane mitigation inspectors; amending s. 393.0655, F.S.; revising an exemption from screening requirements for volunteers, removing a temporary exemption for direct service providers awaiting completion of a background screening, and adding additional disqualifying offenses for the screening of direct service providers for persons with developmental disabilities; amending s. 394.4572, F.S.; revising background screening requirements for mental health personnel; amending s. 400.215, F.S.; revising background screening requirements for nursing home personnel; amending s. 400.506, F.S.; conforming provisions to changes made by the act; amending s. 400.512, F.S.; revising background screening requirements for home health agency personnel, nurse registry personnel, and companions and homemakers; amending s. 400.6065, F.S.; revising background screening requirements for hospices; amending s. 400.801, F.S.; revising background screening requirements for homes for special services; amending s. 400.805, F.S.; revising background screening requirements for transitional living facilities; creating s. 400.9065, F.S.; providing background screening requirements for prescribed pediatric extended care centers; amending s. 400.934, F.S.; revising minimum standards for home medical equipment providers; amending s. 400.953, F.S.; revising background screening requirements for home medical equipment providers; repealing s. 400.955, F.S., relating to the procedures for screening of home medical equipment provider personnel; amending s. 400.964, F.S.; revising background screening requirements for intermediate care facilities for developmentally disabled persons; amending s. 400.980, F.S.; revising background screening requirements for health care services pools; amending s. 400.991, F.S.; revising background screening requirements for health care clinics; amending s. 408.806, F.S.; adding a requirement for an affidavit relating to background screening to the license application process under the Agency for Health Care Administration; amending s. 408.808, F.S.; conforming provisions to changes made by the act; amending s. 408.809, F.S.; revising background screening requirements under the Agency for Health Care Administration; requiring electronic submission of fingerprints; amending s. 402.302, F.S.; revising exemptions from screening requirements for volunteers and students; amending s. 409.175, F.S.; revising an exemption from screening requirements for volunteers; revising background screening requirements for employees and volunteers in summer day camps and summer 24-hour camps; repealing s. 409.1758, F.S., relating to screening of summer camp personnel; amending s. 409.221, F.S.; revising background screening requirements for persons who render consumer-directed care; amending s. 409.907, F.S.; revising background screening requirements for Medicaid providers; amending s. 429.14, F.S.; revising administrative penalty provisions relating to assisted living facilities; amending s. 429.174, F.S.; revising background screening requirements for assisted living facilities; amending s. 429.67, F.S.; revising licensure requirements for adult family-care homes; amending s. 429.69, F.S.; revising background screening requirements for adult family-care homes; amending s. 429.911, F.S.; revising administrative penalty provisions relating to adult day care centers; amending s. 429.919, F.S.; revising background screening requirements for adult day care centers; creating s. 430.60, F.S.; providing background

screening requirements for direct service providers under the Department of Elderly Affairs; amending s. 435.01, F.S.; revising provisions related to the applicability of the chapter, statutory references to the chapter, and rulemaking; providing construction with respect to the doctrine of incorporation by reference; amending s. 435.02, F.S.; revising and adding definitions; amending s. 435.03, F.S.; revising level 1 screening standards; adding disqualifying offenses; amending s. 435.04, F.S.; revising level 2 screening standards; requiring electronic submission of fingerprints after a certain date; authorizing agencies to contract for electronic fingerprinting; adding disqualifying offenses; amending s. 435.05, F.S.; revising background check requirements for covered employees and employers; amending s. 435.06, F.S.; revising provisions relating to exclusion from employment; providing that an employer may not hire, select, or otherwise allow an employee contact with any vulnerable person until the screening process is completed; requiring removal of an employee arrested for disqualifying offenses from roles requiring background screening until the employee's eligibility for employment is determined; amending s. 435.07, F.S.; revising provisions relating to exemptions from disqualification; providing that disqualification from employment may not be removed from, nor an exemption be granted to, any person who has been designated as a sexual predator, career offender, or sexual offender; amending s. 435.08, F.S.; revising provisions relating to the payment for processing of fingerprints and criminal history records checks; amending s. 456.039, F.S.; deleting language relating to criminal history records checks of designated health care professionals; amending s. 464.203, F.S.; conforming provisions to changes made by the act; amending s. 489.115, F.S.; removing reference to chapter 435, F.S., for background screening of construction contractors; amending s. 943.05, F.S.; revising provisions relating to the Criminal Justice Information Program under the Department of Law Enforcement; authorizing agencies to request the retention of certain fingerprints by the department; providing for rulemaking to require employers to keep the agencies informed of any change in the affiliation, employment, or contractual status of each person whose fingerprints are retained in certain circumstances; providing departmental duties upon notification that a federal fingerprint retention program is in effect; amending s. 943.053, F.S.; removing obsolete references relating to the dissemination of criminal justice information; amending s. 984.01, F.S.; revising an exemption from screening requirements for volunteers with programs for children; amending s. 985.644, F.S.; revising background screening requirements for the Department of Juvenile Justice; authorizing rulemaking; amending ss. 381.60225, 409.912, 464.018, 468.3101, 744.309, 744.474, and 985.04, F.S.; conforming provisions to changes made to ch. 435, F.S., by this act; providing for prospective application of the act; providing an effective date.

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

On motion by Senator Storms, **CS for HB 7069** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

HB 7017—A bill to be entitled An act relating to public records; amending s. 494.00125, F.S., and transferring, renumbering, and amending s. 494.0021, F.S.; creating an exemption from public records requirements for credit history information and credit scores held by the Office of Financial Regulation within the Department of Financial Services for purposes of licensing loan originators, mortgage brokers, and mortgage lenders; providing an exception to the exemption for other governmental entities having oversight, regulatory, or law enforcement authority; providing for future legislative review and repeal of the exemption; reorganizing provisions; transferring to the section the exemption from public records requirements for audited financial statements submitted pursuant to parts I, II, and III of ch. 494, F.S.; making editorial changes and removing superfluous language; providing a statement of public necessity; providing an effective date.

—was read the third time by title.

On motion by Senator Justice, **HB 7017** was passed by the required constitutional two-thirds vote of the members present and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

HB 7121—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 627.06292, F.S.; saving from scheduled repeal under the Open Government Sunset Review Act an exemption from public records requirements for specified reports of hurricane loss data and associated exposure data that are specific to a particular insurance company; requiring the Florida International University center that develops, maintains, and updates the public model for hurricane loss projections to publish an annual report summarizing loss data and associated exposure data collected from residential property insurers and licensed rating and advisory organizations; providing for submission of the report to the Governor and the Legislature; providing an effective date.

—was read the third time by title.

On motion by Senator Richter, **HB 7121** was passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

CS for HB 1003—A bill to be entitled An act relating to veterans; amending s. 496.406, F.S.; exempting certain veterans' organizations from requirements to file registration statements with the Department of Agriculture and Consumer Services; amending s. 295.187, F.S.; re-

vising the definition of the term "service-disabled veteran" for purposes of the Florida Service-Disabled Veteran Business Enterprise Opportunity Act; amending s. 296.06, F.S.; revising eligibility requirements for residency in the Veterans' Domiciliary Home of Florida; amending s. 296.36, F.S.; revising eligibility requirements for admittance into a licensed health care facility operated by the Department of Veterans' Affairs; providing an effective date.

—was read the third time by title.

On motion by Senator Aronberg, **CS for HB 1003** was passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

HB 851—A bill to be entitled An act relating to the Florida Legal Resource Center; repealing s. 16.58, F.S., relating to the creation and duties of the Florida Legal Resource Center; providing an effective date.

—was read the third time by title.

On motion by Senator Richter, **HB 851** was passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

HB 7131—A bill to be entitled An act relating to criminal justice; amending s. 775.0877, F.S.; revising obsolete references; amending s. 775.25, F.S.; clarifying a reference to a repealed section; amending s. 784.07, F.S.; removing an outdated reference to certain employees in relation to assault and battery of specified persons; amending s. 831.16, F.S.; clarifying a cross-reference; clarifying that it is a third degree felony for a person to knowingly have in his or her possession fewer than 10 counterfeit coins with the intent to utter or pass such coins; amending s. 831.17, F.S.; clarifying a cross-reference; clarifying that certain subsequent violations of s. 831.16, F.S., are punishable as a second degree felony; amending s. 831.18, F.S.; clarifying that the offense of making or possessing instruments for forging bills is punishable as a third degree felony; amending s. 831.21, F.S.; clarifying that the offense of forging or counterfeiting a doctor's certificate of examination is punishable as a third degree felony; amending s. 831.27, F.S.; correcting a reference relating to the offense of issuing notes; amending s. 838.021, F.S.; correcting grammatical errors; reenacting s. 847.0125, F.S., relating to retail display of materials harmful to minors; amending s. 860.13, F.S.; correcting an obsolete reference; amending s. 865.09, F.S.; correcting a reference; amending s. 893.10, F.S.; removing obsolete language relating to evidence in possession of controlled substances cases; reenacting s. 914.24(2)(a), F.S., relating to victim and witness protection orders; amending ss. 916.12 and 916.3012, F.S.; revising and clarifying provisions; amending s. 918.0155, F.S.; deleting obsolete language directing the Legislature to request the Supreme Court to adopt emergency rules; amending s. 921.0022, F.S.; correcting references in the offense severity ranking chart; reenacting s. 921.141(5)(a), F.S., relating to sentence of death or life imprisonment for capital felonies; amending s. 932.704, F.S.; deleting an obsolete provision relating to the deadline for certifying compliance with the Contraband Forfeiture Act; amending s. 933.18, F.S.; correcting a reference in relation to when a warrant may be issued to search a dwelling; amending s. 933.40, F.S.; replacing obsolete references to "magistrate" with references to "trial court judge"; amending s. 934.03, F.S.; deleting an obsolete cross-reference; defining the term "public utility"; amending s. 938.15, F.S.; clarifying that the term "commission" refers to the Criminal Justice Standards and Training Commission; amending s. 943.051, F.S.; clarifying a reference to a repealed section; amending s. 943.053, F.S.; removing an obsolete reference; amending s. 943.0581, F.S.; clarifying provisions; reenacting s. 943.0582(3)(a) and (5), F.S., relating to prearrest, postarrest, or teen court diversion program expunction; reenacting s. 943.135(4)(b), F.S., relating to requirements for continued employment; amending s. 944.053, F.S.; updating obsolete provisions; reenacting s. 944.28(1), F.S., relating to gain-time; amending ss. 944.708, 944.801, and 945.10, F.S.; replacing obsolete references to the Department of Labor and Employment Security with references to the Agency for Workforce Innovation; reenacting s. 947.06, F.S., relating to when the Florida Parole Commission may meet and act; amending s. 949.071, F.S.; correcting a federal statutory citation; amending s. 957.07, F.S.; replacing an obsolete reference to the Correctional Privatization Commission with a reference to the Department of Management Services; amending s. 985.486, F.S.; correcting references concerning intensive residential treatment programs for offenders less than 13 years of age; amending s. 985.632, F.S.; removing a reference to a repealed provision; removing obsolete provisions; reenacting s. 985.686(2)(b), F.S., relating to county and state responsibility for juvenile detention; amending ss. 815.03, 817.554, 828.17, 831.30, 877.22, 893.02, 921.20, 944.023, 944.474, 947.16, 951.23, 951.231, 960.003, and 984.225, F.S.; correcting cross-references; providing an effective date.

—was read the third time by title.

On motion by Senator Dockery, **HB 7131** was passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

CS for CS for HB 965—A bill to be entitled An act relating to real property assessment; creating s. 193.1552, F.S.; providing a definition; requiring property appraisers to adjust the assessed value of certain properties affected by imported or domestic drywall under certain circumstances; providing for a nominal just value of $0 under certain circumstances; providing for application to certain properties; providing for nonapplication to certain property owners; specifying homestead property as damaged for certain purposes; prohibiting consideration of

homestead property as abandoned under certain circumstances; providing for assessment of certain property after completion of remediation or repair; providing application; providing for future repeal unless reviewed and reenacted; providing an effective date.

—was read the third time by title.

On motion by Senator Storms, **CS for CS for HB 965** was passed by the required constitutional two-thirds vote of the membership and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

CS for CS for HB 1389—A bill to be entitled An act relating to space and aerospace infrastructure; providing a short title; amending s. 288.1088, F.S.; providing legislative findings; authorizing the use of a specified amount of resources for projects to retain or create high-technology jobs directly associated with developing a more diverse aerospace economy in the state; authorizing Enterprise Florida, Inc., to waive eligibility criteria for projects receiving funds from the Quick Action Closing Fund which would mitigate the impact of the conclusion of the space shuttle program; revising authorized uses of specified Space Florida appropriations; providing an effective date.

—was read the third time by title.

On motion by Senator Altman, **CS for CS for HB 1389** was passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

CS for HB 451—A bill to be entitled An act relating to Space Florida; creating s. 331.3081, F.S.; revising provisions for the governing board of Space Florida to terminate the existing board and replace it with a new board meeting the requirements of this section; providing for membership; providing for appointment of certain voting members by the Governor subject to confirmation by the Senate; providing for designation of a chair; providing for appointment of nonvoting members by the President of the Senate and the Speaker of the House of Representatives; providing for terms of the members and organization of the board; providing for reappointment or removal of members; providing for meetings and actions of the board; providing for reimbursement of expenses incurred by members and staff of the board; requiring members to file disclosure of financial interests; repealing s. 331.308, F.S., relating to the board of directors of Space Florida; providing an effective date.

—was read the third time by title.

On motion by Senator Constantine, **CS for HB 451** was passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

CS for CS for HB 31—A bill to be entitled An act relating to public education; creating s. 1003.4505, F.S.; prohibiting district school boards, administrative personnel, and instructional personnel from taking affirmative action that infringes or waives the rights or freedoms afforded by the First Amendment to the United States Constitution in the absence of certain consent; providing an effective date.

—was read the third time by title.

THE PRESIDENT PRESIDING

On motion by Senator Wise, **CS for CS for HB 31** was passed and certified to the House. The vote on passage was:

Yeas—27

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

Nays—9

Aronberg	Justice	Smith
Gelber	Rich	Sobel
Joyner	Ring	Wilson

Vote after roll call:

Yea—Richter

CS for CS for SB 674—A bill to be entitled An act relating to the state lottery; amending s. 24.105, F.S.; authorizing the use of player-activated machines that have additional functionality; providing for discontinuance of machine operations; providing contract requirements; amending s. 24.111, F.S.; adding limited liability companies to the list of potential vendors that the Department of the Lottery must investigate; providing that the Department of the Lottery may lease all instant ticket vending machines; prohibiting the department from entering into a contract for a major procurement if a managing member of the vendor

has been convicted of a felony; removing a duplicative provision; amending s. 24.113, F.S.; removing a provision limiting the percentage of the same type of minority retailer that the Department of the Lottery may contract with to 35 percent; amending s. 24.114, F.S.; providing a penalty for failure by a retailer to remit funds as required; providing an effective date.

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

On motion by Senator Jones, **CS for CS for SB 674** as amended was passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—1

Gardiner

Vote after roll call:

Yea to Nay—Storms

CS for SB 2410—A bill to be entitled An act relating to motor vehicle dealers; amending s. 320.61, F.S.; providing clarification regarding licensure renewal requirements; amending s. 320.63, F.S.; requiring the submission of an affidavit along with a license renewal application acknowledging that the provisions of the licensee's franchise agreements are consistent with the requirements of laws and rules; providing an effective date.

—was read the third time by title.

On motion by Senator Baker, further consideration of **CS for SB 2410** was deferred.

SENATOR DIAZ DE LA PORTILLA PRESIDING

CS for SB 290—A bill to be entitled An act relating to offenses against unborn children; providing a short title; amending s. 782.071, F.S.; defining the term "unborn child" for purposes of vehicular homicide; revising terminology to refer to "unborn child" rather than "viable fetus"; providing legislative intent; amending s. 782.09, F.S.; revising terminology; providing that certain offenses relating to the killing of an unborn child by injury to the mother do not require specified knowledge or intent; amending ss. 316.193, 435.03, 435.04, and 921.0022, F.S.; conforming terminology; providing an effective date.

—was read the third time by title.

MOTION

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

Senator Fasano moved the following amendment which was adopted by two-thirds vote:

Amendment 4 (180446) (with title amendment)—Delete lines 93-101 and insert: term "unborn ~~quick~~ child" *means a member of the species homo sapiens, at any stage of development, who is carried in the womb* ~~shall be determined in accordance with the definition of viable fetus as set forth in s. 782.071~~.

And the title is amended as follows:

Delete lines 8-10 and insert: terminology;

On motion by Senator Fasano, **CS for SB 290** as amended was passed, ordered engrossed and certified to the House. The vote on passage was:

Yeas—25

Mr. President	Garcia	Richter
Altman	Gardiner	Ring
Baker	Haridopolos	Siplin
Constantine	Hill	Storms
Crist	Justice	Thrasher
Dean	Lawson	Villalobos
Dockery	Negron	Wise
Fasano	Oelrich	
Gaetz	Peaden	

Nays—11

Aronberg	Jones	Smith
Bullard	Joyner	Sobel
Detert	Lynn	Wilson
Gelber	Rich	

Vote after roll call:

Yea—Diaz de la Portilla

Nay—Bennett

On motion by Senator Constantine, by two-thirds vote **HB 7243** was withdrawn from the Committees on Environmental Preservation and Conservation; Community Affairs; and General Government Appropriations.

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

HB 7243—A bill to be entitled An act relating to environmental control; amending s. 288.9015, F.S.; requiring Enterprise Florida, Inc., to provide technical assistance to the Department of Environmental Protection in the creation of the Recycling Business Assistance Center; amending s. 373.414, F.S.; providing that financial responsibility for mitigation for wetlands and other surface waters required by a permit for activities associated with the extraction of limestone are subject to approval by the Department of Environmental Protection as part of permit application review; amending s. 378.901, F.S.; authorizing mine operators mining or extracting or proposing to mine or extract heavy minerals, limestone, or fuller's earth clay to apply for a life-of-the-mine permit; clarifying the authority of local governments to approve, approve with conditions, deny, or impose certain permit durations; amending s. 403.44, F.S.; eliminating a greenhouse gas registration and reporting requirement for major emitters; eliminating a requirement for the Department of Environmental Protection to establish methodologies, reporting periods, and reporting systems relating to greenhouse gas emissions; amending s. 403.7032, F.S.; requiring all public entities and those entities occupying buildings managed by the Department of Management Services to report recycling data; providing exceptions; encouraging certain private entities to report the disposal of recyclable materials; requiring the Department of Management Services to report on green and recycled products purchased through its procurement system; directing the Department of Environmental Protection to create the Recycling Business Assistance Center; providing requirements for the center; amending s. 403.7046, F.S., relating to regulation of recovered materials; deleting a requirement that the Department of Environmental Protection appoint a technical advisory committee; revising reporting requirements; amending s. 403.7049, F.S.; conforming a cross-reference; amending s. 403.705, F.S.; conforming a cross-reference; requiring that the Department of Environmental Protection report biennially to the Legislature on the state's success in meeting solid waste reduction goals; providing for the creation of a voluntary recyclers cer-

tification program; amending s. 403.706, F.S.; requiring counties to meet specific recycling benchmarks; providing legislative intent; requiring certain multifamily residential and commercial properties to make certain provisions for recycling receptacles; providing applicability; authorizing the Department of Environmental Protection to require counties to develop a plan to expand recycling programs under certain conditions; requiring the Department of Environmental Protection to provide a report to the Legislature if a specified recycling rate is not met; eliminating a requirement that counties develop composting goals; providing for waste-to-energy production to be applied toward meeting recycling benchmarks; providing exceptions; providing deadlines for the reporting of recycling data; amending s. 403.7061, F.S.; revising requirements for review of new waste-to-energy facility capacity by the Department of Environmental Protection; amending s. 403.707, F.S.; requiring liners for new construction and demolition debris landfills; establishing recycling rates for source-separation activities; providing an exception; amending s. 403.708, F.S.; authorizing the disposal of yard trash at specified Class I landfills; requiring such landfills to obtain a modified operating permit; requiring permittees to certify certain collection and beneficial use of landfill gas; providing applicability and intent; amending s. 403.709, F.S.; conforming a cross-reference; amending s. 403.7095, F.S.; revising provisions relating to the solid waste management grant program; deleting provisions requiring the Department of Environmental Protection to develop a competitive and innovative grant program for certain counties, municipalities, special districts, and nonprofit organizations; deleting application requirements for such grant program; deleting a requirement for the Department of Environmental Protection to evaluate and prioritize grant proposals for inclusion in its annual budget request; revising the distribution of funds for the small-county consolidated grant program; deleting obsolete provisions; amending s. 403.7145, F.S.; revising recycling requirements for certain state buildings; providing for a pilot project for the Capitol recycling area; amending s. 533.77, F.S.; requiring the Florida Building Commission to develop specified recommendations relating to recycling and composting and the use of recyclable materials; amending ss. 220.1845 and 376.30781, F.S.; providing requirements for claiming certain site rehabilitation costs in applications for contaminated site rehabilitation tax credits; conforming cross-references; amending s. 376.85, F.S.; revising requirements for the Department of Environmental Protection's annual report to the Legislature regarding site rehabilitation; amending s. 403.973, F.S.; transferring certain authority over the expedited permitting and comprehensive plan amendment process from the Office of Tourism, Trade, and Economic Development to the Secretary of Environmental Protection; revising job-creation criteria for businesses to qualify to submit permit applications and local comprehensive plan amendments for expedited review; providing that permit applications and local comprehensive plan amendments for specified renewable energy projects are eligible for the expedited permitting process; providing for the establishment of regional permit action teams through the execution of memoranda of agreement developed by permit applicants and the secretary; revising provisions relating to the memoranda of agreement developed by the secretary; providing for the appeal of local government comprehensive plan approvals for projects and requiring such appeals to be consolidated with challenges to state agency actions; requiring recommended orders relating to challenges to state agency actions pursuant to summary hearing provisions to include certain information; extending the deadline for issuance of final orders relating to such challenges; providing for challenges to state agency action related to expedited permitting for specified renewable energy projects; revising provisions relating to the review of sites proposed for the location of facilities eligible for the Innovation Incentive Program; revising criteria for counties eligible to receive technical assistance in preparing permit applications and local comprehensive plan amendments; specifying expedited review eligibility for certain electrical power projects; amending s. 369.317, F.S.; providing that certain activity relating to mitigation of certain environmental impacts in the Wekiva Study Area or the Wekiva parkway alignment corridor meets specified impact requirements under certain conditions; repealing s. 288.1185, F.S., relating to the Recycling Markets Advisory Committee; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 570** as amended and read the second time by title.

MOTION

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

Senator Constantine moved the following amendment which was adopted:

Amendment 1 (551260) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (9) is added to section 288.9015, Florida Statutes, to read:

288.9015 Enterprise Florida, Inc.; purpose; duties.—

(9) Enterprise Florida, Inc., shall provide technical assistance to the Department of Environmental Protection in the creation of the Recycling Business Assistance Center pursuant to s. 403.7032(5). As the state's primary organization devoted to statewide economic development, Enterprise Florida, Inc., is encouraged to cooperate with the Department of Environmental Protection to ensure that the Recycling Business Assistance Center is positioned to succeed in helping to enhance and expand existing markets for recyclable materials in this state, other states, and foreign countries.

Section 2. Subsections (5) through (8) of section 403.44, Florida Statutes, are renumbered as subsections (3) through (6), respectively, and present subsections (3) and (4) of that section are amended to read:

403.44 Florida Climate Protection Act.—

~~(3) A major emitter shall be required to use The Climate Registry for purposes of emission registration and reporting.~~

~~(4) The department shall establish the methodologies, reporting periods, and reporting systems that shall be used when major emitters report to The Climate Registry. The department may require the use of quality assured data from continuous emissions monitoring systems.~~

Section 3. Section 403.7032, Florida Statutes, is amended to read:

403.7032 Recycling.—

(1) The Legislature finds that the failure or inability to economically recover material and energy resources from solid waste results in the unnecessary waste and depletion of our natural resources. As the state continues to grow, so will the potential amount of discarded material that must be treated and disposed of, necessitating the improvement of solid waste collection and disposal. Therefore, the maximum recycling and reuse of such resources are considered high-priority goals of the state.

(2) By the year 2020, the long-term goal for the recycling efforts of state and local governmental entities, private companies and organizations, and the general public is to *recycle at least 75 percent of the municipal solid waste that would otherwise be* ~~reduce the amount of recyclable solid waste~~ disposed of in waste management facilities, landfills, or incineration facilities ~~by a statewide average of at least 75 percent~~. However, any solid waste used for the production of renewable energy shall count toward the long-term recycling goal as set forth in this *part* ~~section~~.

(3) Each state agency, K-12 public school, public institution of higher learning, community college, and state university, including all buildings that are occupied by municipal, county, or state employees and entities occupying buildings managed by the Department of Management Services, must, at a minimum, annually report all recycled materials to the county using the department's designated reporting format. Private businesses, other than certified recovered materials dealers, that recycle paper, metals, glass, plastics, textiles, rubber materials, and mulch, are encouraged to report the amount of materials they recycle to the county annually beginning January 1, 2011, using the department's designated reporting format. Using the information provided, the department shall recognize those private businesses that demonstrate outstanding recycling efforts.

Notwithstanding any other provision of state or county law, private businesses, other than certified recovered materials dealers, shall not be

required to report recycling rates. Cities with less than a population of 2,500 and per capita taxable value less than $48,000 and cities with a per capita taxable value less than $30,000 are exempt from the reporting requirement specified in this paragraph.

(4)~~(3)~~ The Department of Environmental Protection shall develop a comprehensive recycling program that is designed to achieve the percentage under subsection (2) and submit the program to the President of the Senate and the Speaker of the House of Representatives by January 1, 2010. The program may not be implemented until approved by the Legislature. The program must be developed in coordination with input from state and local entities, private businesses, and the public. Under the program, recyclable materials shall include, but are not limited to, metals, paper, glass, plastic, textile, rubber materials, and mulch. Components of the program shall include, but are not limited to:

(a) Programs to identify environmentally preferable purchasing practices to encourage the purchase of recycled, durable, and less toxic goods. *The Department of Management Services shall modify its procurement system to report on green and recycled products purchased through the system by September 30, 2011.*

(b) Programs to educate students in grades K-12 in the benefits of, and proper techniques for, recycling.

(c) Programs for statewide recognition of successful recycling efforts by schools, businesses, public groups, and private citizens.

(d) Programs for municipalities and counties to develop and implement efficient recycling efforts to return valuable materials to productive use, conserve energy, and protect natural resources.

(e) Programs by which the department can provide technical assistance to municipalities and counties in support of their recycling efforts.

(f) Programs to educate and train the public in proper recycling efforts.

(g) Evaluation of how financial assistance can best be provided to municipalities and counties in support of their recycling efforts.

(h) Evaluation of why existing waste management and recycling programs in the state have not been better used.

(5) The Department of Environmental Protection shall create the Recycling Business Assistance Center by December 1, 2010. In carrying out its duties under this subsection, the department shall consult with state agency personnel appointed to serve as economic development liaisons under s. 288.021 and seek technical assistance from Enterprise Florida, Inc., to ensure the Recycling Business Assistance Center is positioned to succeed. The purpose of the center shall be to serve as the mechanism for coordination among state agencies and the private sector in order to coordinate policy and overall strategic planning for developing new markets and expanding and enhancing existing markets for recyclable materials in this state, other states, and foreign countries. The duties of the center must include, at a minimum:

(a) Identifying and developing new markets and expanding and enhancing existing markets for recyclable materials.

(b) Pursuing expanded end uses for recycled materials.

(c) Targeting materials for concentrated market-development efforts.

(d) Developing proposals for new incentives for market development, particularly focusing on targeted materials.

(e) Providing guidance on issues such as permitting, finance options for recycling market development, site location, research and development, grant program criteria for recycled materials markets, recycling markets education and information, and minimum content.

(f) Coordinating the efforts of various governmental entities having market-development responsibilities in order to optimize supply and demand for recyclable materials.

(g) Evaluating source-reduced products as they relate to state procurement policy. The evaluation shall include, but is not limited to, the environmental and economic impact of source-reduced product purchases to the state. For the purposes of this paragraph, the term "source-reduced" means any method, process, product, or technology that significantly or substantially reduces the volume or weight of a product while providing, at a minimum, equivalent or generally similar performance and service to and for the users of such materials.

(h) Providing evaluation of solid waste management grants, pursuant to s. 403.7095, to reduce the flow of solid waste to disposal facilities and encourage the sustainable recovery of materials from Florida's waste stream.

(i) Providing below-market financing for companies that manufacture products from recycled materials or convert recyclable materials into raw materials for use in manufacturing pursuant to the Florida Recycling Loan Program as administered by the Florida First Capital Finance Corporation.

(j) Maintaining a continuously updated online directory listing the public and private entities that collect, transport, broker, process, or remanufacture recyclable materials in the state.

(k) Providing information on the availability and benefits of using recycled materials to private entities and industries in the state.

(l) Distributing any materials prepared in implementing this subsection to the public, private entities, industries, governmental entities, or other organizations upon request.

(m) Coordinating with the Agency for Workforce Innovation and its partners to provide job-placement and job-training services to job seekers through the state's workforce services programs.

Section 4. Subsection (1) of section 403.7046, Florida Statutes, is amended to read:

403.7046 Regulation of recovered materials.—

(1) Any person who handles, purchases, receives, recovers, sells, or is an end user of recovered materials shall annually certify to the department on forms provided by the department. The department may by rule exempt from this requirement generators of recovered materials; persons who handle or sell recovered materials as an activity which is incidental to the normal primary business activities of that person; or persons who handle, purchase, receive, recover, sell, or are end users of recovered materials in small quantities as defined by the department. The department shall adopt rules for the certification of and reporting by such persons and shall establish criteria for revocation of such certification. ~~Prior to the adoption of such rules, the department shall appoint a technical advisory committee of no more than nine persons, including, at a minimum, representatives of the Florida Association of Counties, the Florida League of Cities, the Florida Recyclers Association, and the Florida Chapter of the National Solid Waste Management Association, to aid in the development of such rules.~~ Such rules shall be designed to elicit, at a minimum, the amount and types of recovered materials handled by registrants, and the amount and disposal site, or name of person with whom such disposal was arranged, of any solid waste generated by such facility. *By February 1 of each year, registrants shall report all required information to the department and to all counties from which it received materials.* Such rules may provide for the department to conduct periodic inspections. The department may charge a fee of up to $50 for each registration, which shall be deposited into the Solid Waste Management Trust Fund for implementation of the program.

Section 5. Subsection (5) of section 403.7049, Florida Statutes, is amended to read:

403.7049 Determination of full cost for solid waste management; local solid waste management fees.—

(5) In order to assist in achieving the municipal solid waste reduction goal and the recycling provisions of *s. 403.706(2)* ~~s. 403.706(4)~~, a county or a municipality which owns or operates a solid waste management facility is hereby authorized to charge solid waste disposal fees which may vary based on a number of factors, including, but not limited to, the amount, characteristics, and form of recyclable materials present in the solid waste that is brought to the county's or the municipality's facility for processing or disposal.

Section 6. Paragraph (c) of subsection (2) and subsection (3) of section 403.705, Florida Statutes, are amended, and subsection (4) is added to that section, to read:

403.705 State solid waste management program.—

(2) The state solid waste management program shall include, at a minimum:

(c) Planning guidelines and technical assistance to counties and municipalities to aid in meeting the municipal solid waste *recycling* ~~reduction~~ goals established in *s. 403.706(2)* ~~s. 403.706(4)~~.

(3) The department shall ~~periodically seek information from counties to~~ evaluate and report *biennially to the President of the Senate and the Speaker of the House of Representatives* on the *state's* success in meeting the solid waste *recycling* ~~reduction~~ goal *as described in s. 403.706(2)*.

(4) The department shall adopt rules creating a voluntary certification program for materials recovery facilities. The certification criteria shall be based upon the amount and type of materials recycled and the compliance record of the facility and may vary depending on the location in the state and the available markets for the materials that are processed. Any materials recovery facility seeking certification shall file an application to modify its permit, or shall include a certification application as part of its original permit application, which application shall not require an additional fee. The department shall adopt a form for certification applications, and shall require at least annual reports to verify the continued qualification for certification. In order to assist in the development of the certification program, the department shall appoint a technical advisory committee.

Section 7. Subsections (2), (4), (6), (7), and (21) of section 403.706, Florida Statutes, are amended to read:

403.706 Local government solid waste responsibilities.—

(2)(a) Each county shall implement a recyclable materials recycling program *that shall have a goal of recycling recyclable solid waste by 40 percent by December 31, 2012, 50 percent by December 31, 2014, 60 percent by December 31, 2016, 70 percent by December 31, 2018, and 75 percent by December 31, 2020*. Counties and municipalities are encouraged to form cooperative arrangements for implementing recycling programs.

(b) In order to assist counties in attaining the goals set forth in paragraph (a), the Legislature finds that the recycling of construction and demolition debris fulfills an important state interest. Therefore, each county must implement a program for recycling construction and demolition debris.

(c) In accordance with applicable local government ordinances, newly developed property receiving a certificate of occupancy, or its equivalent, on or after July 1, 2012, that is used for multifamily residential or commercial purposes, must provide adequate space and an adequate receptacle for recycling by tenants and owners of the property. This provision is limited to counties and municipalities that have an established residential, including multifamily, or commercial recycling program that provides recycling receptacles to residences and businesses and regular pick-up services for those receptacles.

(d) If, by January 1 of 2013, 2015, 2017, 2019, or 2021, the county, as determined by the department in accordance with applicable rules, has not reached the recycling goals as set forth in paragraph (a), the department may direct the county to develop a plan to expand recycling programs to existing commercial and multifamily dwellings, including, but not limited to, apartment complexes.

(e) If the state's recycling rate for the 2013 calendar year is below 40 percent, below 50 percent by January 1, 2015, below 60 percent by January 1, 2017, below 70 percent by January 1, 2019, or below 75 percent by January 1, 2021, the department shall provide a report to the President of the Senate and the Speaker of the House of Representatives. The report shall identify those additional programs or statutory changes needed to achieve the goals set forth in paragraph (a). The report shall be provided no later than 30 days prior to the beginning of the Regular Session of the Legislature. The department is not required to provide a report to the Legislature if the state reaches its recycling goals as described in this paragraph.

(f)~~(b)~~ Such programs shall be designed to recover a significant portion of at least four of the following materials from the solid waste stream prior to final disposal at a solid waste disposal facility and to offer these materials for recycling: newspaper, aluminum cans, steel cans, glass, plastic bottles, cardboard, office paper, and yard trash. Local governments which operate permitted waste-to-energy facilities may retrieve ferrous and nonferrous metal as a byproduct of combustion.

(g)~~(c)~~ Local governments are encouraged to separate all plastics, metal, and all grades of paper for recycling prior to final disposal and are further encouraged to recycle yard trash and other mechanically treated solid waste into compost available for agricultural and other acceptable uses.

(h) The department shall adopt rules establishing the method and criteria to be used by a county in calculating the recycling rates pursuant to this subsection.

~~(d) By July 1, 2010, each county shall develop and implement a plan to achieve a goal to compost organic materials that would otherwise be disposed of in a landfill. The goal shall provide that up to 10 percent and no less than 5 percent of organic material would be composted within the county and the municipalities within its boundaries. The department may reduce or modify the compost goal if the county demonstrates to the department that achievement of the goal would be impractical given the county's unique demographic, urban density, or inability to separate normally compostable material from the solid waste stream. The composting plan is encouraged to address partnership with the private sector.~~

(i)~~(e)~~ Each county is encouraged to consider plans for *composting or* mulching organic materials that would otherwise be disposed of in a landfill. The *composting or* mulching plans are encouraged to address partnership with the private sector.

(4)(a) *In order to promote the production of renewable energy from solid waste, each megawatt-hour produced by a renewable energy facility using solid waste as a fuel shall count as 1 ton of recycled material and shall be applied toward meeting the recycling goals set forth in this section. If a county creating renewable energy from solid waste implements and maintains a program to recycle at least 50 percent of municipal solid waste by a means other than creating renewable energy, that county shall count 2 tons of recycled material for each megawatt-hour produced. If waste originates from a county other than the county in which the renewable energy facility resides, the originating county shall receive such recycling credit. Any county that has a debt service payment related to its waste-to-energy facility shall receive 1 ton of recycled materials credit for each ton of solid waste processed at the facility. Any byproduct resulting from the creation of renewable energy does not count as waste.* ~~A county's solid waste management and recycling programs shall be designed to provide for sufficient reduction of the amount of solid waste generated within the county and the municipalities within its boundaries in order to meet goals for the reduction of municipal solid waste prior to the final disposal or the incineration of such waste at a solid waste disposal facility. The goals shall provide, at a minimum, that the amount of municipal solid waste that would be disposed of within the county and the municipalities within its boundaries is reduced by at least 30 percent~~.

(b) A county may receive credit for one-half of the *recycling* goal *set forth in subsection (2)* ~~for waste reduction~~ from the use of yard trash, or other clean wood waste or paper waste, in innovative programs including, but not limited to, programs that produce alternative clean-burning fuels such as ethanol or that provide for the conversion of yard trash or other clean wood waste or paper waste to clean-burning fuel for the production of energy for use at facilities other than a waste-to-energy facility as defined in s. 403.7061. The provisions of this paragraph apply only if a county can demonstrate that:

1. The county has implemented a yard trash mulching or composting program, and

2. As part of the program, compost and mulch made from yard trash is available to the general public and in use at county-owned or maintained and municipally owned or maintained facilities in the county and state agencies operating in the county as required by this section.

(c) A county with a population of 100,000 or less may provide its residents with the opportunity to recycle in lieu of achieving the goal set

forth in *this section* ~~paragraph (a)~~. For the purposes of this *section* ~~subsection~~, the "opportunity to recycle" means that the county:

1.a. Provides a system for separating and collecting recyclable materials prior to disposal that is located at a solid waste management facility or solid waste disposal area; or

b. Provides a system of places within the county for collection of source-separated recyclable materials.

2. Provides a public education and promotion program that is conducted to inform its residents of the opportunity to recycle, encourages source separation of recyclable materials, and promotes the benefits of reducing, reusing, recycling, and composting materials.

(6) The department may reduce or modify the municipal solid waste *recycling* ~~reduction~~ goal that a county is required to achieve pursuant to subsection *(2)* ~~(4)~~ if the county demonstrates to the department that:

(a) The achievement of the goal set forth in subsection *(2)* ~~(4)~~ would have an adverse effect on the financial obligations of a county that are directly related to a waste-to-energy facility owned or operated by or on behalf of the county; and

(b) The county cannot remove normally combustible materials from solid waste that is to be processed at a waste-to-energy facility because of the need to maintain a sufficient amount of solid waste to ensure the financial viability of the facility.

The goal shall not be waived entirely and may only be reduced or modified to the extent necessary to alleviate the adverse effects of achieving the goal on the financial viability of a county's waste-to-energy facility. Nothing in this subsection shall exempt a county from developing and implementing a recycling program pursuant to this act.

(7) In order to assess the progress in meeting the goal *set forth* ~~established~~ in subsection *(2)* ~~(4)~~, each county shall, by *April 1* ~~November~~ each year, provide information to the department regarding its annual solid waste management program and recycling activities.

(a) The information *submitted to the department* by the county must*, at a minimum,* include:

1.~~(a)~~ The amount of municipal solid waste disposed of at solid waste disposal facilities, by type of waste such as yard trash, white goods, clean debris, tires, and unseparated solid waste;

2.~~(b)~~ The amount and type of materials from the municipal solid waste stream that were recycled; and

3.~~(c)~~ The percentage of the population participating in various types of recycling activities instituted.

(b) Beginning with the data for the 2012 calendar year, the department shall by July 1 each year post on its website the recycling rates of each county for the prior calendar year.

(21) Local governments are authorized to enact ordinances that require and direct all residential properties*, multifamily dwellings, and apartment complexes* and industrial, commercial, and institutional establishments as defined by the local government to establish programs for the separation of recyclable materials designated by the local government, which recyclable materials are specifically intended for purposes of recycling and for which a market exists, and to provide for their collection. Such ordinances may include, but are not limited to, provisions that prohibit any person from knowingly disposing of recyclable materials designated by the local government and that ensure the collection of recovered materials as necessary to protect public health and safety.

Section 8. Paragraphs (d) through (i) of subsection (3) of section 403.7061, Florida Statutes, are redesignated as paragraphs (c) through (h), respectively, and present paragraph (c) of that subsection is amended to read:

403.7061 Requirements for review of new waste-to-energy facility capacity by the Department of Environmental Protection.—

(3) An applicant must provide reasonable assurance that the construction of a new waste-to-energy facility or the expansion of an existing waste-to-energy facility will comply with the following criteria:

~~(c) The county in which the facility is located has implemented and maintains a solid waste management and recycling program that is designed to achieve the waste reduction goal set forth in s. 403.706(4). For the purposes of this section, the provisions of s. 403.706(4)(c) for counties having populations of 100,000 or fewer do not apply.~~

Section 9. Paragraph (g) of subsection (9) of section 403.707, Florida Statutes, is amended to read:

403.707 Permits.—

(9) The department shall establish a separate category for solid waste management facilities that accept only construction and demolition debris for disposal or recycling. The department shall establish a reasonable schedule for existing facilities to comply with this section to avoid undue hardship to such facilities. However, a permitted solid waste disposal unit that receives a significant amount of waste prior to the compliance deadline established in this schedule shall not be required to be retrofitted with liners or leachate control systems.

(g) *By January 1, 2012, the amount of construction and demolition debris processed and recycled prior to disposal at a permitted materials recovery facility or at any other permitted disposal facility shall be reported by the county of origin to the department and to the county on an annual basis in accordance with rules adopted by the department. The rules shall establish criteria to ensure accurate and consistent reporting for purposes of determining the recycling rate in s. 403.706 and shall also require that, to the extent economically feasible, all construction and demolition debris must be processed prior to disposal, either at a permitted materials recovery facility or at a permitted disposal facility. This paragraph does not apply to recovered materials, any materials that have been source separated and offered for recycling, or materials that have been previously processed.* ~~It is the policy of the Legislature to encourage facilities to recycle. The department shall establish criteria and guidelines that encourage recycling where practical and provide for the use of recycled materials in a manner that protects the public health and the environment. Facilities are authorized to recycle, provided such activities do not conflict with such criteria and guidelines.~~

Section 10. Paragraph (e) of subsection (1) of section 403.709, Florida Statutes, is amended to read:

403.709 Solid Waste Management Trust Fund; use of waste tire fees.—There is created the Solid Waste Management Trust Fund, to be administered by the department.

(1) From the annual revenues deposited in the trust fund, unless otherwise specified in the General Appropriations Act:

(e) A minimum of 40 percent shall be used for funding a-*solid waste management* ~~competitive and innovative~~ grant program pursuant to s. 403.7095 for activities relating to recycling and waste reduction, including waste tires requiring final disposal.

Section 11. Section 403.7095, Florida Statutes, is amended to read:

403.7095 Solid waste management grant program.—

~~(1) The department shall develop a competitive and innovative grant program for counties, municipalities, special districts, and nonprofit organizations that have legal responsibility for the provision of solid waste management services. For purposes of this program, "innovative" means that the process, technology, or activity for which funding is sought has not previously been implemented within the jurisdiction of the applicant. The applicant must:~~

~~(a) Demonstrate technologies or processes that represent a novel application of an existing technology or process to recycle or reduce waste, or that overcome obstacles to recycling or waste reduction in new or innovative ways;~~

~~(b) Demonstrate innovative processes to collect and recycle or reduce materials targeted by the department and the recycling industry; or~~

~~(c) Demonstrate effective solutions to solving solid waste problems resulting from waste tires, particularly in the areas of enforcement and abatement of illegal tire dumping and activities to promote market development of waste tire products.~~

~~Because the Legislature recognizes that input from the recycling industry is essential to the success of this grant program, the department shall cooperate with private sector entities to develop a process and define specific criteria for allowing their participation with grant recipients.~~

~~(2) The department shall evaluate and prioritize the annual grant proposals and present the annual prioritized list of projects to be funded to the Governor and the Legislature as part of its annual budget request submitted pursuant to chapter 216. Potential grant recipients are encouraged to demonstrate local support for grant proposals by the commitment of cash or in kind matching funds.~~

(1)~~(3)~~ The department shall develop a consolidated grant program for small counties having populations fewer than 100,000, with grants to be distributed equally among eligible counties. Programs to be supported with the small-county consolidated grants include general solid waste management, litter prevention and control, and recycling and education programs.

(2)~~(4)~~ The department shall develop a waste tire grant program making grants available to all counties. The department shall ensure that at least 25 percent of the funding available for waste tire grants is distributed equally to each county having a population fewer than 100,000. Of the remaining funds distributed to counties having a population of 100,000 or greater, the department shall distribute those funds on the basis of population.

(3)~~(5)~~ From the funds made available pursuant to s. 403.709(1)(e) for the grant program created by this section, the following distributions shall be made:

~~(a) Up to 15 percent for the program described in subsection (1);~~

(a)~~(b)~~ Up to *50* ~~35~~ percent for the program described in subsection *(1)* ~~(3)~~; and

(b)~~(c)~~ Up to 50 percent for the program described in subsection *(2)* ~~(4)~~.

(4)~~(6)~~ The department may adopt rules necessary to administer this section, including, but not limited to, rules governing timeframes for submitting grant applications, criteria for prioritizing, matching criteria, maximum grant amounts, and allocation of appropriated funds based upon project and applicant size.

~~(7) Notwithstanding any provision of this section to the contrary, and for the 2009-2010 fiscal year only, the Department of Environmental Protection shall award the sum of $2,600,000 in grants equally to counties having populations of fewer than 100,000 for waste tire and litter prevention, recycling education, and general solid waste programs. This subsection expires July 1, 2010.~~

~~(8)(a) Notwithstanding any provision of this section to the contrary, and for the 2008-2009 fiscal year only, the Department of Environmental Protection shall award:~~

~~1. The sum of $9,428,773 in grants equally to counties having populations of fewer than 100,000 for waste tire and litter prevention, recycling education, and general solid waste programs.~~

~~2. The sum of $2,000,781 to be used for the Innovative Grant Program.~~

~~(b) This subsection expires July 1, 2009.~~

Section 12. Subsection (1) of section 403.7145, Florida Statutes, is amended, and subsection (3) is added to that section, to read:

403.7145 Recycling.—

(1) The Capitol and the House and Senate office buildings constitute the Capitol recycling area. The Florida House of Representatives, the Florida Senate, and the Office of the Governor, the Secretary of State, and each Cabinet officer who heads a department that occupies office space in the Capitol, shall institute a recycling program for their respective offices in the House and Senate office buildings and the Capitol. Provisions shall be made to collect and sell wastepaper and empty ~~aluminum~~ beverage *containers* ~~cans~~ generated by employee activities in these offices. The collection and sale of such materials shall be *reported to Leon County using the department's designated reporting format and* coordinated with Department of Management Services recycling activities to maximize the efficiency and economy of this program. The Governor, the Speaker of the House of Representatives, the President of the Senate, the Secretary of State, and the Cabinet officers may authorize the use of proceeds from recyclable material sales for employee benefits and other purposes, in order to provide incentives to their respective employees for participation in the recycling program. Such proceeds may also be used to offset any costs of the recycling program. *As a demonstration of leading by example, the Capitol Building's recycling rates shall be posted on the website of the Department of Management Services and shall include the details of the recycling rates for each Department of Management Services pool facility. The Department of Environmental Protection shall post recycling rates of each state-owned facility reported to the Department of Management Services.*

(3) The department shall develop and contract for an innovative recycling pilot project for the Capitol recycling area. The project shall be designed to collect recyclable materials and create a more sustainable recycling system. Components of the project shall be designed to increase convenience, incentivize and measure participation, reduce material volume, and assist in achieving the recycling goals enumerated in s. 403.706.

Section 13. Paragraph (m) is added to subsection (1) of section 553.77, Florida Statutes, to read:

553.77 Specific powers of the commission.—

(1) The commission shall:

(m) Develop recommendations that increase residential and commercial recycling and composting and strongly encourage the use of recyclable materials and the recycling of construction and demolition debris.

Section 14. *Section 288.1185, Florida Statutes, is repealed.*

Section 15. This act shall take effect July 1, 2010.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to environmental control; amending s. 288.9015, F.S.; requiring Enterprise Florida, Inc., to provide technical assistance to the Department of Environmental Protection in the creation of the Recycling Business Assistance Center; amending s. 403.44, F.S.; eliminating a greenhouse gas registration and reporting requirement for major emitters; eliminating a requirement for the Department of Environmental Protection to establish methodologies, reporting periods, and reporting systems relating to greenhouse gas emissions; amending s. 403.7032, F.S.; requiring all public entities and those entities occupying buildings managed by the Department of Management Services to report recycling data; providing exceptions; encouraging certain private entities to report the disposal of recyclable materials; requiring the Department of Management Services to report on green and recycled products purchased through its procurement system; directing the Department of Environmental Protection to create the Recycling Business Assistance Center; providing requirements for the center; amending s. 403.7046, F.S., relating to regulation of recovered materials; deleting a requirement that the Department of Environmental Protection appoint a technical advisory committee; revising reporting requirements; amending s. 403.7049, F.S.; conforming a cross-reference; amending s. 403.705, F.S.; conforming a cross-reference; requiring that the Department of Environmental Protection report biennially to the Legislature on the state's success in meeting solid waste reduction goals; providing for the creation of a voluntary recyclers certification program; amending s. 403.706, F.S.; requiring counties to meet specific recycling benchmarks; providing legislative intent; requiring certain multifamily residential and commercial properties to make certain provisions for recycling receptacles; providing applicability; authorizing the Department of Environmental Protection to require counties to develop a plan to expand recycling programs under certain

conditions; requiring the Department of Environmental Protection to provide a report to the Legislature if a specified recycling rate is not met; eliminating a requirement that counties develop composting goals; providing for waste-to-energy production to be applied toward meeting recycling benchmarks; providing exceptions; providing deadlines for the reporting of recycling data; amending s. 403.7061, F.S.; revising requirements for review of new waste-to-energy facility capacity by the Department of Environmental Protection; amending s. 403.707, F.S.; establishing recycling rates for source-separation activities; providing an exception; amending s. 403.709, F.S.; conforming a cross-reference; amending s. 403.7095, F.S.; revising provisions relating to the solid waste management grant program; deleting provisions requiring the Department of Environmental Protection to develop a competitive and innovative grant program for certain counties, municipalities, special districts, and nonprofit organizations; deleting application requirements for such grant program; deleting a requirement for the Department of Environmental Protection to evaluate and prioritize grant proposals for inclusion in its annual budget request; revising the distribution of funds for the small-county consolidated grant program; deleting obsolete provisions; amending s. 403.7145, F.S.; revising recycling requirements for certain state buildings; providing for a pilot project for the Capitol recycling area; amending s. 533.77, F.S.; requiring the Florida Building Commission to develop specified recommendations relating to recycling and composting and the use of recyclable materials; repealing s. 288.1185, F.S., relating to the Recycling Markets Advisory Committee; providing an effective date.

On motion by Senator Constantine, by two-thirds vote **HB 7243** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Dean, Wise

THE PRESIDENT PRESIDING

CS for CS for CS for HB 1143—A bill to be entitled An act relating to health care; amending s. 112.0455, F.S., relating to the Drug-Free Workplace Act; deleting an obsolete provision; amending s. 318.21, F.S.; revising distribution of funds from civil penalties imposed for traffic infractions by county courts; amending s. 381.00315, F.S.; directing the Department of Health to accept funds from counties, municipalities, and certain other entities for the purchase of certain products made available under a contract of the United States Department of Health and Human Services for the manufacture and delivery of such products in response to a public health emergency; amending s. 381.0072, F.S.; limiting Department of Health food service inspections in nursing homes; requiring the department to coordinate inspections with the Agency for Health Care Administration; repealing s. 383.325, F.S., relating to confidentiality of inspection reports of licensed birth center facilities; amending s. 395.002, F.S.; revising and deleting definitions applicable to regulation of hospitals and other licensed facilities; conforming a cross-reference; amending s. 395.003, F.S.; deleting an obsolete provision; conforming a cross-reference; amending s. 395.0193, F.S.; requiring a licensed facility to report certain peer review information and final disciplinary actions to the Division of Medical Quality Assurance of the Department of Health rather than the Division of Health Quality Assurance of the Agency for Health Care Administration; amending s. 395.1023, F.S.; providing for the Department of Children and Family Services rather than the Department of Health to perform certain functions with respect to child protection cases; requiring certain hospitals to notify the Department of Children and Family Services of compliance; amending s. 395.1041, F.S., relating to hospital emergency services and care; deleting obsolete provisions; repealing s. 395.1046, F.S., relating to complaint investigation procedures; amending s. 395.1055, F.S.; requiring licensed facility beds to conform to standards specified by the Agency for Health Care Administration, the Florida Building Code, and the Florida Fire Prevention Code; amending s. 395.10972, F.S.; revising a reference to the Florida Society of Healthcare Risk Management to conform to the current designation; amending s. 395.2050, F.S.; revising a reference to the federal Health Care Financing Administration to conform to the current designation; amending s. 395.3036, F.S.; correcting a reference; repealing s. 395.3037, F.S., relating to redundant definitions; amending ss. 154.11, 394.741, 395.3038, 400.925, 400.9935, 408.05, 440.13, 627.645, 627.668, 627.669, 627.736, 641.495, and 766.1015, F.S.; revising references to the Joint Commission on Accreditation of Healthcare Organizations, the Commission on Accreditation of Rehabilitation Facilities, and the Council on Accreditation to conform to their current designations; amending s. 395.602, F.S.; revising the definition of the term "rural hospital" to delete an obsolete provision; amending s. 400.021, F.S.; revising the definition of the term "geriatric outpatient clinic"; amending s. 400.0255, F.S.; correcting an obsolete cross-reference to administrative rules; amending s. 400.063, F.S.; deleting an obsolete provision; amending ss. 400.071 and 400.0712, F.S.; revising applicability of general licensure requirements under part II of ch. 408, F.S., to applications for nursing home licensure; revising provisions governing inactive licenses; amending s. 400.111, F.S.; providing for disclosure of controlling interest of a nursing home facility upon request by the Agency for Health Care Administration; amending s. 400.1183, F.S.; revising grievance record maintenance and reporting requirements for nursing homes; amending s. 400.141, F.S.; providing criteria for the provision of respite services by nursing homes; requiring a written plan of care; requiring a contract for services; requiring resident release to caregivers to be designated in writing; providing an exemption to the application of discharge planning rules; providing for residents' rights; providing for use of personal medications; providing terms of respite stay; providing for communication of patient information; requiring a physician order for care and proof of a physical examination; providing for services for respite patients and duties of facilities with respect to such patients; conforming a cross-reference; requiring facilities to maintain clinical records that meet specified standards; providing a fine relating to an admissions moratorium; deleting requirement for facilities to submit certain information related to management companies to the agency; deleting a requirement for facilities to notify the agency of certain bankruptcy filings to conform to changes made by the act; amending s. 400.142, F.S.; deleting language relating to agency adoption of rules; amending 400.147, F.S.; revising reporting requirements for licensed nursing home facilities relating to adverse incidents; repealing s. 400.148, F.S., relating to the Medicaid "Up-or-Out" Quality of Care Contract Management Program; amending s. 400.162, F.S., requiring nursing homes to provide a resident property statement annually and upon request; amending s. 400.179, F.S.; revising requirements for nursing home lease bond alternative fees; deleting an obsolete provision; amending s. 400.19, F.S.; revising inspection requirements; repealing s. 400.195, F.S., relating to agency reporting requirements; amending s. 400.23, F.S.; deleting an obsolete provision; correcting a reference; directing the agency to adopt rules for minimum staffing standards in nursing homes that serve persons under 21 years of age; providing minimum staffing standards; amending s. 400.275, F.S.; revising agency duties with regard to training nursing home surveyor teams; revising requirements for team members; amending s. 400.484, F.S.; revising the schedule of home health agency inspection violations; amending s. 400.606, F.S.; revising the content requirements of the plan accompanying an initial or change-of-ownership application for licensure of a hospice; revising requirements relating to certificates of need for certain hospice facilities; amending s. 400.607, F.S.; revising grounds for agency action against a hospice; amending s. 400.915, F.S.; correcting an obsolete cross-reference to administrative rules; amending s. 400.931, F.S.; deleting a requirement that an applicant for a home medical equipment provider license submit a surety bond to the agency; amending s. 400.932, F.S.; revising grounds for the imposition of administrative penalties for certain violations by an employee of a home medical equipment provider; amending s. 400.967, F.S.; revising the schedule of inspection violations for intermediate care fa-

cilities for the developmentally disabled; providing a penalty for certain violations; amending s. 400.9905, F.S.; providing that part X of ch, 400, F.S., the Health Care Clinic Act, does not apply to an entity owned by a corporation with a specified amount of annual sales of health care services under certain circumstances or to an entity owned or controlled by a publicly traded entity with a specified amount of annual revenues; amending s. 400.991, F.S.; conforming terminology; revising application requirements relating to documentation of financial ability to operate a mobile clinic; amending s. 408.034, F.S.; revising agency authority relating to licensing of intermediate care facilities for the developmentally disabled; amending s. 408.036, F.S.; deleting an exemption from certain certificate-of-need review requirements for a hospice or a hospice inpatient facility; amending s. 408.043, F.S.; revising requirements for certain freestanding inpatient hospice care facilities to obtain a certificate of need; amending s. 408.061, F.S.; revising health care facility data reporting requirements; amending s. 408.10, F.S.; removing agency authority to investigate certain consumer complaints; amending s. 408.802, F.S.; removing applicability of part II of ch. 408, F.S., relating to general licensure requirements, to private review agents; amending s. 408.804, F.S.; providing penalties for altering, defacing, or falsifying a license certificate issued by the agency or displaying such an altered, defaced, or falsified certificate; amending s. 408.806, F.S.; revising agency responsibilities for notification of licensees of impending expiration of a license; requiring payment of a late fee for a license application to be considered complete under certain circumstances; amending s. 408.810, F.S.; revising provisions relating to information required for licensure; requiring proof of submission of notice to a mortgagor or landlord regarding provision of services requiring licensure; requiring disclosure of information by a controlling interest of certain court actions relating to financial instability within a specified time period; amending s. 408.813, F.S.; authorizing the agency to impose fines for unclassified violations of part II of ch. 408, F.S.; amending s. 408.815, F.S.; authorizing the agency to extend a license expiration date under certain circumstances; amending s. 409.221, F.S.; deleting a reporting requirement relating to the consumer-directed care program; amending s. 409.91196, F.S.; conforming a cross-reference; amending s. 409.912, F.S.; revising procedures for implementation of a Medicaid prescribed-drug spending-control program; amending s. 429.07, F.S.; deleting the requirement for an assisted living facility to obtain an additional license in order to provide limited nursing services; deleting the requirement for the agency to conduct quarterly monitoring visits of facilities that hold a license to provide extended congregate care services; deleting the requirement for the department to report annually on the status of and recommendations related to extended congregate care; deleting the requirement for the agency to conduct monitoring visits at least twice a year to facilities providing limited nursing services; increasing the licensure fees and the maximum fee required for the standard license; increasing the licensure fees for the extended congregate care license; eliminating the license fee for the limited nursing services license; transferring from another provision of law the requirement that a biennial survey of an assisted living facility include specific actions to determine whether the facility is adequately protecting residents' rights; providing that an assisted living facility that has a class I or class II violation is subject to monitoring visits; requiring a registered nurse to participate in certain monitoring visits; amending s. 429.11, F.S.; revising licensure application requirements for assisted living facilities to eliminate provisional licenses; amending s. 429.12, F.S.; revising notification requirements for the sale or transfer of ownership of an assisted living facility; amending s. 429.14, F.S.; removing a ground for the imposition of an administrative penalty; clarifying provisions relating to a facility's request for a hearing under certain circumstances; authorizing the agency to provide certain information relating to the licensure status of assisted living facilities electronically or through the agency's Internet website; amending s. 429.17, F.S.; deleting provisions relating to the limited nursing services license; revising agency responsibilities regarding the issuance of conditional licenses; amending s. 429.19, F.S.; clarifying that a monitoring fee may be assessed in addition to an administrative fine; amending s. 429.23, F.S.; deleting reporting requirements for assisted living facilities relating to liability claims; amending s. 429.255, F.S.; eliminating provisions authorizing the use of volunteers to provide certain health-care-related services in assisted living facilities; authorizing assisted living facilities to provide limited nursing services; requiring an assisted living facility to be responsible for certain recordkeeping and staff to be trained to monitor residents receiving certain health-care-related services; amending s. 429.28, F.S.; deleting a requirement for a biennial survey of an assisted living facility, to conform to changes made by the act; amending s. 429.35, F.S.; authorizing the agency to provide certain information relating to the inspections of assisted living facilities electronically or through the agency's Internet website; amending s. 429.41, F.S., relating to rulemaking; conforming provisions to changes made by the act; amending s. 429.53, F.S.; revising provisions relating to consultation by the agency; revising a definition; amending s. 429.54, F.S.; requiring licensed assisted living facilities to electronically report certain data semiannually to the agency in accordance with rules adopted by the department; amending s. 429.71, F.S.; revising schedule of inspection violations for adult family-care homes; amending s. 429.911, F.S.; deleting a ground for agency action against an adult day care center; amending s. 429.915, F.S.; revising agency responsibilities regarding the issuance of conditional licenses; amending s. 483.294, F.S.; revising frequency of agency inspections of multiphasic health testing centers; amending s. 499.003, F.S.; defining the term "medical convenience kit" for purposes of pt. I of ch. 499, F.S.; providing an exception to applicability of the term; removing a requirement that certain prescription drug purchasers maintain a separate inventory of certain prescription drugs; amending s. 499.01212, F.S.; providing an exception to the requirement that a wholesale distributor of prescription drugs provide a pedigree paper to the person who receives the drug for wholesale distribution of prescription drugs contained within a medical convenience kit under specified conditions; providing that the exception does not apply to any kit that contains certain controlled substances; amending s. 626.9541, F.S.; authorizing an insurer offering a group or individual health benefit plan to offer a wellness program; authorizing rewards or incentives; providing that such rewards or incentives are not insurance benefits; providing for verification of a member's inability to participate for medical reasons; amending s. 633.081, F.S.; limiting Fire Marshal inspections of nursing homes to once a year; providing for additional inspections based on complaints and violations identified in the course of orientation or training activities; amending s. 766.202, F.S.; adding persons licensed under part XIV of ch. 468, F.S., to the definition of "health care provider"; amending ss. 394.4787, 400.0239, 408.07, 430.80, and 651.118, F.S.; conforming terminology and cross-references; revising a reference; providing an effective date.

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

MOTION

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

Senator Peaden moved the following amendment which was adopted by two-thirds vote:

Amendment 6 (141550) (with directory and title amendments)—Delete lines 3168-3240.

And the directory clause is amended as follows:

Delete lines 3152-3156 and insert:

Section 86. Subsections (32) through (54) of section 499.003, Florida Statutes, are renumbered as subsections (33) through (55) respectively, present subsection (42) is amended, and a new subsection (32) is added to that subsection, to read:

And the title is amended as follows:

Delete lines 248-250 and insert: amending s. 499.0121, F.S.; providing

RECONSIDERATION OF AMENDMENT

On motion by Senator Gaetz, the Senate reconsidered the vote by which **Amendment 1 (147056)** was adopted April 28. **Amendment 1** was withdrawn.

On motion by Senator Gardiner, **CS for CS for CS for HB 1143** as amended was passed and certified to the House. The vote on passage was:

Yeas—23

Mr. President	Baker	Dean
Alexander	Constantine	Diaz de la Portilla
Altman	Crist	Dockery

Fasano	Negron	Storms
Gaetz	Oelrich	Thrasher
Garcia	Peaden	Villalobos
Gardiner	Richter	Wise
Haridopolos	Siplin	

Nays—16

Aronberg	Jones	Ring
Bennett	Joyner	Smith
Bullard	Justice	Sobel
Detert	Lawson	Wilson
Gelber	Lynn	
Hill	Rich	

SPECIAL ORDER CALENDAR, continued

On motion by Senator Altman, by two-thirds vote **CS for CS for HB 927** was withdrawn from the Committees on Community Affairs; Finance and Tax; and Education Pre-K - 12 Appropriations.

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

CS for CS for HB 927—A bill to be entitled An act relating to real property; amending s. 193.155, F.S.; revising the criteria under which a transfer of homestead property is not considered a change of ownership; providing for such provisions to apply to a leasehold interest under certain circumstances; amending s. 193.1554, F.S.; providing that a change in the ownership of nonhomestead residential property is not deemed to have occurred due to certain transactions involving a publicly traded company; amending s. 193.1555, F.S.; providing that a change in the ownership of nonresidential property is not deemed to have occurred due to certain transactions involving a publicly traded company; amending s. 193.1556, F.S.; providing that a recorded deed or other instrument shall serve as notice of a change of ownership; requiring the Department of Revenue to provide a form by which a property owner may notify any property appraiser of a change of ownership or control; providing an effective date.

—a companion measure, was substituted for **CS for SB 1884** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 927** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 1182** was deferred.

On motion by Senator Fasano—

CS for SJR 1254—A joint resolution proposing an amendment to Sections 4 and 6 of Article VII and the creation of Sections 31 and 32 of Article XII of the State Constitution to reduce from 10 percent to 5 percent the limitation on annual assessment increases applicable to nonhomestead real property, provide an additional homestead exemption for new owners of homestead property and application and limitations with respect thereto, and provide an effective date.

—was read the second time by title.

Senator Fasano moved the following amendment which was adopted:

Amendment 1 (857210) (with title amendment)—Delete line 15 and insert: Article VII and the creation of Sections 31, 32, and 33 of Article

Delete lines 278-334 and insert:

1 of the year the homestead is established. The additional exemption shall apply for a period of 5 years or until the year the property is sold, whichever occurs first for all levies other than school district levies. The amount of the additional exemption shall not exceed $200,000 and shall be reduced in each subsequent year by an amount equal to 20 percent of the amount of the additional exemption received in the year the homestead was established or by an amount equal to the difference between the just value of the property and the assessed value of the property determined under Section 4(d) of this Article, whichever is greater. Not more than one exemption provided under this subsection shall be allowed per homestead property. The additional exemption shall apply to property purchased after January 1, 2010, but shall not be available in the sixth and subsequent years after the additional exemption is first received.

ARTICLE XII

SCHEDULE

SECTION 31. Property tax limit for nonhomestead property.—The amendment to Section 4 of Article VII reducing the limit on the maximum annual increase in the assessed value of nonhomestead property from 10 percent to 5 percent and this section shall take effect January 1, 2011.

SECTION 32. Additional homestead exemption for new owners of homestead property.—The amendment to Section 6 of Article VII providing for an additional homestead exemption for new owners of homestead property who have not owned homestead property during the immediately preceding 3 years and this section shall take effect January 1, 2011, and shall be available for properties purchased on or after January 1, 2010.

SECTION 33. If the amendments proposed by Senate Joint Resolution 1254 proposed during the 2010 session of the legislature and the amendments proposed by Senate Joint Resolution 532 during the 2009 session of the legislature both receive a sufficient number of votes for approval during the 2010 general election, only the amendments proposed by Senate Joint Resolution 1254 shall take effect and be codified in the State Constitution.

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

CONSTITUTIONAL AMENDMENT

ARTICLE VII, SECTIONS 4, 6

ARTICLE XII, SECTIONS 31, 32, 33

REDUCED NONHOMESTEAD PROPERTY ANNUAL ASSESSMENT INCREASE LIMITATION; ADDITIONAL HOMESTEAD EXEMPTION FOR NEW HOMESTEAD PROPERTY OWNERS.—

(1) This amendment reduces from 10 percent to 5 percent the limitation on annual increases in assessments of nonhomestead real property and provides an effective date of January 1, 2011.

(2) This amendment also provides new owners of homestead property who have not owned homestead property during the immediately preceding 3 years with an additional homestead exemption equal to 50 percent of the property's just value in the first year, limited to $200,000; applies the additional exemption for the shorter of 5 years or the year of sale of the property; reduces the amount of the additional exemption in each succeeding year for 5 years by the greater of 20 percent of the amount of the initial additional exemption or the difference between the just value and the assessed value of the property; limits the additional exemption to one per homestead property; limits the additional exemption to properties purchased after January 1, 2010; prohibits availability of the additional exemption in the sixth and subsequent years after the additional exemption is granted; and provides for the amendment to take effect January 1, 2011, and apply to properties purchased on or after January 1, 2010.

(3) This amendment also provides that if this amendment and amendment 3 on this ballot receive a sufficient number of votes for approval, only this amendment shall take effect and be codified in the State Constitution.

And the title is amended as follows:

Delete lines 3 and 4 and insert: 4 and 6 of Article VII and the creation of Sections 31, 32, and 33 of Article XII of the State Constitution to

Pursuant to Rule 4.19, **CS for SJR 1254** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

MOTIONS

On motion by Senator Villalobos, the rules were waived and time of recess was extended until completion of the Returning Messages Calendar, motions and announcements.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Jeff Atwater, President

I am directed to inform the Senate that the House of Representatives has passed **CS for SB 1752**, with 1 amendment, and requests the concurrence of the Senate.

Robert L. "Bob" Ward, Clerk

CS for SB 1752—A bill to be entitled An act relating to economic development; amending s. 125.045, F.S.; requiring an agency or entity that receivescounty funds for economic development purposes pursuant to a contract to submit a report on the use of the funds; requiring the county to include the report in its annual financial audit; requiring counties to report on the provision of economic development incentives to businesses to the Legislative Committee on Intergovernmental Relations; amending s. 159.803, F.S.; conforming a cross-reference to changes made by the act; amending s. 166.021, F.S.; requiring an agency or entity that receives municipal funds for economic development purposes pursuant to a contract to submit a report on the use of the funds; requiring the municipality to include the report in its annual financial audit; requiring municipalities to report on the provision of economic development incentives to businesses to the Legislative Committee on Intergovernmental Affairs; amending s. 212.05, F.S.; limiting the maximum amount of tax that may be imposed and collected on the sale or use of a boat in this state; amending s. 212.08, F.S.; temporarily exempting from sales and use taxes the increase in purchases of certain industrial machinery and equipment over the amount of purchases made in a base year; redefining the terms "real property" and "rehabilitation of real property" for purposes of the sales tax exemption on certain building materials used in the rehabilitation of real property used in an enterprise zone; specifying procedures to claim a sales tax credit under the entertainment industry financial incentive program; providing an exemption from the use tax for an aircraft that temporarily enters the state or is temporarily in the state for certain purposes; requiring documentation that identifies the aircraft in order to qualify for the exemption; providing that the exemption is in addition to certain other exemptions; amending s. 213.053, F.S.; authorizing the Department of Revenue to provide confidential taxpayer information relating to certain tax credits under the entertainment industry financial incentive program to the Office of Film and Entertainment and to the Office of Tourism, Trade, and Economic Development; amending s. 220.02, F.S.; providing for tax credits pursuant to the entertainment industry financial incentive program and the jobs for the unemployed tax credit program to be taken against the corporate income tax or the franchise tax after other existing credits are taken; creating s. 220.1896, F.S.; creating the jobs for the unemployed tax credit program to provide a tax credit to certain businesses that employ certain individuals who were previously unemployed after a certain date; providing for applications for certification under the program to be reviewed by Enterprise Florida, Inc., and the Office of Tourism, Trade, and Economic Development; providing criminal penalties for fraudulent claims of a tax credit; authorizing the Office of Tourism, Trade, and Economic Development and the Department of Revenue to adopt rules; providing for the expiration of the tax credit program; creating s. 220.1899, F.S.; creating the entertainment industry tax credit for a tax credit against the qualified expenditures made by a qualified production company pursuant to the entertainment industry financial incentive program; amending s. 220.191, F.S.; redefining the terms "qualifying business" and "qualifying project" for purposes of the capital investment tax credit; providing for the amount of the credit to diminish over a 10-year period; conforming cross-references to changes made in the act; providing that a business seeking the tax credit has the responsibility of demonstrating qualification for the credit to the Department of Revenue and the Office of Tourism, Trade, and Economic Development; authorizing the payment of a prorated tax credit under certain circumstances; providing that a business that receives a capital investment tax credit is not eligible for a tax refund under the qualified target industry tax refund program; amending s. 288.095, F.S.; increasing the amount of tax refund payments available to pay the state's share of refunds under the qualified defense contractor and space flight business tax refund program and the tax refund program for qualified target industry businesses; amending s. 288.106, F.S.; providing legislative findings and declarations for the tax refund program for qualified target industry businesses; revising the definitions of terms applicable to the program; revising the criteria for the Office of Tourism, Trade, and Economic Development and Enterprise Florida, Inc., to use in identifying target industry businesses; conforming cross-references to changes made by the act; authorizing additional tax refunds to qualified target industry businesses that meet specified conditions; requiring an application for certification as a qualified target industry business to include an estimate of the proportion of the machinery, equipment, and other resources that will be used in the applicant's proposed operation in Florida and purchased by the applicant outside the state; requiring the Office of Tourism, Trade, and Economic Development to consider the state's return on investment in evaluating applicants for the tax refund program; extending the date by which a qualified target industry business may request an economic-stimulus exemption; redesignating economic-stimulus exemptions as economic recovery extensions; authorizing the Office of Tourism, Trade, and Economic Development to waive the requirement for a business to annually provide proof of taxes paid if the business provides proof that it has paid certain taxes in amounts at least equal to the total amount of refunds for which the business is eligible; requiring the Office of Tourism, Trade, and Economic Development to conduct a review of certain qualified target industry businesses that have received their final tax refund and provide a report of its findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives; extending the date by which businesses may apply to participate in the tax refund program for qualified target industry businesses; amending s. 288.107, F.S.; conforming cross-references to changes made by the act; amending s. 288.125, F.S.; redefining the term "entertainment industry" to include digital media projects; amending s. 288.1251, F.S.; requiring the Office of Film and Entertainment to update its strategic plan every 5 years; deleting requirements for the Office of Film and Entertainment to represent certain decisionmakers within the entertainment industry and to act as a liaison between entertainment industry producers and labor organizations; amending s. 288.1252, F.S.; deleting obsolete provisions; deleting the requirement for the Commissioner of Film and Entertainment and a representative of the Florida Tourism Marketing Council to serve as ex officio members of the Film and Entertainment Advisory Council; amending s. 288.1253, F.S.; eliminating provisions authorizing the payment of travel expenses to persons other than employees of the Office of Film and Entertainment, the Governor and Lieutenant Governor, and security staff; providing for the payment of travel expenses through reimbursements; amending s. 288.1254, F.S.; revising the entertainment industry financial incentive program to provide corporate income tax and sales and use tax credits to qualified entertainment entities rather than reimbursements from appropriations; revising provisions relating to definitions, creation, and scope, application procedures, approval process, eligibility, required documents, qualified and certified productions, and annual reports; providing duties and responsibilities of the Office of Film and Entertainment, the Office of Tourism, Trade, and Economic Development, and the Department of Revenue relating to the tax credits; providing criteria and limitations for awards of tax credits; providing for uses, allocations, election, distributions, and carryforward of the tax credits; providing for withdrawal of tax credit eligibility; providing for use of consolidated returns; providing for partnership and noncorporate distributions of tax credits; providing for succession of tax credits; providing requirements for transfer of tax credits; authorizing the Office of Tourism, Trade, and Economic Development to adopt rules, policies, and procedures; authorizing the Department of Revenue to adopt rules and conduct audits; providing for revocation and forfeiture of tax credits; providing liability for reimbursement of certain costs and fees associated with a fraudulent claim; requiring an annual report to the Governor and the Legislature; providing for future repeal;amending s. 288.1258, F.S.; requiring the Office of Film and Entertainment to include in its records certain ratios of tax exemptions and incentives to the estimated funds expended by a certified production; creating s. 288.9552, F.S.; creating the Research Commercialization Matching Grant Program to provide grants to certain small companies; designating the Florida Institute for the Commercialization of Public Research to serve as the administrator of the program; specifying criteria to determine eligibility for a grant; limiting the maximum amount of an award; requiring the institute to issue an annual report relating to the grant program to the Governor,

the President of the Senate, and the Speaker of the House of Representatives; amending s. 290.00677, F.S.; conforming cross-references to changes made by the act; amending s. 373.441, F.S.; revising provisions relating to adoption of rules relating to permitting; requiring the Department of Environmental Protection to adopt rules that authorize a local government to petition the Governor and Cabinet for certain delegation requests; requiring the Department of Environmental Protection detail the statutes or rules that were not satisfied by a local government that made a request for delegation and to detail actions that could be taken to allow for delegation; authorizing a local government to petition the Governor and Cabinet to review the denial of a delegation request; providing that a delegation of authority must be approved if it meets certain rule requirements; amending s. 403.061, F.S.; directing the Department of Environmental Protection to expand the use of online self-certification for certain exemptions and permits; limiting the authority of a local government the method or form for documenting that a project qualifies for an exemption or meets the requirements for a permit; requiring the Office of Program Policy Analysis and Government Accountability to review the Enterprise Zone Program and submit a report of its findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives; authorizing the funds in specific appropriation 2649 of chapter 2008-152, Laws of Florida, to be used for additional space-related economic-development purposes; providing an appropriation to the Office of Tourism, Trade, and Economic Development to fund the operations of Space Florida; providing an appropriation to the Space Business Investment and Financial Services Trust Fund to carry out the purposes of the trust fund; providing an appropriation to the Office of Tourism, Trade, and Economic Development to enable Space Florida to provide targeted business-development support services and business recruitment; providing an appropriation to the Office of Tourism, Trade, and Economic Development for Space Florida to retrain workers in the space industry; requiring all state agencies owning or operating state-owned real property to submit inventory data to the Department of Environmental Protection by a specified date; requiring the Department of Environmental Protection to submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a report that lists state-owned real property recommended for disposition; providing that the proceeds of the sale of surplus real property be deposited in the General Revenue Fund to be used for certain specified purposes; requiring the Office of Program Policy Analysis and Government Accountability to review and evaluate the Research Commercialization Matching Grant Program and submit a report of its findings to the Governor, the President of the Senate, and the Speaker of the House of Representatives; reauthorizing certain exemptions, 2-year extensions, and local comprehensive plan amendments granted, authorized, or adopted in accordance with Chapter 2009-96, Laws of Florida; extending the expiration dates of certain permits issued by the Department of Environmental Protection or a water management district; extending certain previously granted build-out dates; amending s. 47 of chapter 2009-82, Laws of Florida; delaying the expiration of the Florida Homebuyer Opportunity Program; requiring that construction contracts funded by state funds contain a provision requiring the contractor to give preference to the employment of Florida residents if they have substantially equal qualifications as nonresidents; defining the term "substantially equal qualifications"; requiring that a contractor post employment needs in the state's job bank system; providing an appropriation to the Florida Institute for the Commercialization of Public Research to fund grants under the Research Commercialization Matching Grant Program; conditionally specifying the use of an appropriation to the Board of Governors of the State University System to fund proposals under the State University Research Commercialization Assistance Grant Program; providing an appropriation for the Florida Export Finance Corporation to capitalize an expansion of its existing loan program for exporters; providing a finding that the act fulfills an important state interest; providing for severability; providing effective dates.

House Amendment 1 (832405) (with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Effective July 1, 2010, subsections (4) and (5) are added to section 125.045, Florida Statutes, to read:

125.045 County economic development powers.—

(4) A contract between the governing body of a county or other entity engaged in economic development activities on behalf of the county and an economic development agency must require the agency or entity receiving county funds to submit a report to the governing body of the county detailing how county funds were spent and detailing the results of the economic development agency's or entity's efforts on behalf of the county. By January 15, 2011, and annually thereafter, the county must file a copy of the report with the Legislative Committee on Intergovernmental Relations or its successor entity and post a copy of the report on the county's website.

(5)(a) By January 15, 2011, and annually thereafter, each county shall report to the Legislative Committee on Intergovernmental Relations or its successor entity the economic development incentives in excess of $25,000 given to any business during the county's previous fiscal year. The Legislative Committee on Intergovernmental Relations or its successor entity shall provide the report to the Office of Tourism, Trade, and Economic Development. Economic development incentives include:

1. Direct financial incentives of monetary assistance provided to a business from the county or through an organization authorized by the county. Such incentives include, but are not limited to, grants, loans, equity investments, loan insurance and guarantees, and training subsidies.

2. Indirect incentives in the form of grants and loans provided to businesses and community organizations that provide support to businesses or promote business investment or development.

3. Fee-based or tax-based incentives, including, but not limited to, credits, refunds, exemptions, and property tax abatement or assessment reductions.

4. Below-market rate leases or deeds for real property.

(b) A county shall report its economic development incentives in the format specified by the Legislative Committee on Intergovernmental Relations or its successor entity.

(c) The Legislative Committee on Intergovernmental Relations or its successor entity shall compile the economic development incentives provided by each county in a manner that shows the total of each class of economic development incentives provided by each county and all counties.

Section 2. Effective July 1, 2010, paragraph (d) of subsection (9) of section 166.021, Florida Statutes, is redesignated as paragraph (f) and amended, and new paragraphs (d) and (e) are added to that subsection, to read:

166.021 Powers.—

(9)

(d) A contract between the governing body of a municipality or other entity engaged in economic development activities on behalf of the municipality and an economic development agency must require the agency or entity receiving municipal funds to submit a report to the governing body of the municipality detailing how the municipal funds are spent and detailing the results of the economic development agency's or entity's efforts on behalf of the municipality. By January 15, 2011, and annually thereafter, the municipality shall file a copy of the report with the Legislative Committee on Intergovernmental Relations or its successor entity and post a copy of the report on the municipality's website.

(e)1. By January 15, 2011, and annually therafter, each municipality having annual revenues or expenditures greater than $250,000 shall report to the Legislative Committee on Intergovernmental Relations or its successor entity the economic development incentives in excess of $25,000 given to any business during the municipality's previous fiscal year. The Legislative Committee on Intergovernmental Relations or its successor entity shall provide the report to the Office of Tourism, Trade, and Economic Development. Economic development incentives include:

a. Direct financial incentives of monetary assistance provided to a business from the municipality or through an organization authorized by the municipality. Such incentives include, but are not limited to, grants, loans, equity investments, loan insurance and guarantees, and training subsidies.

b. Indirect incentives in the form of grants and loans provided to businesses and community organizations that provide support to businesses or promote business investment or development.

c. Fee-based or tax-based incentives, including, but not limited to, credits, refunds, exemptions, and property tax abatement or assessment reductions.

d. Below-market rate leases or deeds for real property.

2. A municipality shall report its economic development incentives in the format specified by the Legislative Committee on Intergovernmental Relations or its successor entity.

3. The Legislative Committee on Intergovernmental Relations or its successor entity shall compile the economic development incentives provided by each municipality in a manner that shows the total of each class of economic development incentives provided by each municipality and all municipalities.

(f)~~(d) Nothing contained in~~ This subsection *does not limit* ~~shall be construed as a limitation on~~ the home rule powers granted by the State Constitution *to* ~~for~~ municipalities.

Section 3. Subsection (7) of section 196.1995, Florida Statutes, is amended to read:

196.1995 Economic development ad valorem tax exemption.—

(7) The authority to grant exemptions under this section *expires* ~~will expire~~ 10 years after the date such authority was approved in an election, but such authority may be renewed for *subsequent* ~~another~~ 10-year *periods if each 10-year renewal is approved* ~~period~~ in a referendum called and held pursuant to this section.

Section 4. Effective July 1, 2010, subsection (34) is added to section 212.02, Florida Statutes, to read:

212.02 Definitions.—The following terms and phrases when used in this chapter have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(34) "Fractional aircraft ownership program" means a program that meets the requirements of 14 C.F.R. part 91, subpart K, relating to fractional ownership operations, except that the program must include a minimum of 25 aircraft owned or leased by the program manager and used in the program.

Section 5. Effective July 1, 2010, paragraph (a) of subsection (1) of section 212.031, Florida Statutes, is amended to read:

212.031 Tax on rental or license fee for use of real property.—

(1)(a) It is declared to be the legislative intent that every person is exercising a taxable privilege who engages in the business of renting, leasing, letting, or granting a license for the use of any real property unless such property is:

1. Assessed as agricultural property under s. 193.461.

2. Used exclusively as dwelling units.

3. Property subject to tax on parking, docking, or storage spaces under s. 212.03(6).

4. Recreational property or the common elements of a condominium when subject to a lease between the developer or owner thereof and the condominium association in its own right or as agent for the owners of individual condominium units or the owners of individual condominium units. However, only the lease payments on such property shall be exempt from the tax imposed by this chapter, and any other use made by the owner or the condominium association shall be fully taxable under this chapter.

5. A public or private street or right-of-way and poles, conduits, fixtures, and similar improvements located on such streets or rights-of-way, occupied or used by a utility or provider of communications services, as defined by s. 202.11, for utility or communications or television purposes. For purposes of this subparagraph, the term "utility" means any person providing utility services as defined in s. 203.012. This exception also applies to property, wherever located, on which the following are placed: towers, antennas, cables, accessory structures, or equipment, not including switching equipment, used in the provision of mobile communications services as defined in s. 202.11. For purposes of this chapter, towers used in the provision of mobile communications services, as defined in s. 202.11, are considered to be fixtures.

6. A public street or road which is used for transportation purposes.

7. Property used at an airport exclusively for the purpose of aircraft landing or aircraft taxiing or property used by an airline for the purpose of loading or unloading passengers or property onto or from aircraft or for fueling aircraft.

8.a. Property used at a port authority, as defined in s. 315.02(2), exclusively for the purpose of oceangoing vessels or tugs docking, or such vessels mooring on property used by a port authority for the purpose of loading or unloading passengers or cargo onto or from such a vessel, or property used at a port authority for fueling such vessels, or to the extent that the amount paid for the use of any property at the port is based on the charge for the amount of tonnage actually imported or exported through the port by a tenant.

b. The amount charged for the use of any property at the port in excess of the amount charged for tonnage actually imported or exported shall remain subject to tax except as provided in sub-subparagraph a.

9. Property used as an integral part of the performance of qualified production services. As used in this subparagraph, the term "qualified production services" means any activity or service performed directly in connection with the production of a qualified motion picture, as defined in s. 212.06(1)(b), and includes:

a. Photography, sound and recording, casting, location managing and scouting, shooting, creation of special and optical effects, animation, adaptation (language, media, electronic, or otherwise), technological modifications, computer graphics, set and stage support (such as electricians, lighting designers and operators, greensmen, prop managers and assistants, and grips), wardrobe (design, preparation, and management), hair and makeup (design, production, and application), performing (such as acting, dancing, and playing), designing and executing stunts, coaching, consulting, writing, scoring, composing, choreographing, script supervising, directing, producing, transmitting dailies, dubbing, mixing, editing, cutting, looping, printing, processing, duplicating, storing, and distributing;

b. The design, planning, engineering, construction, alteration, repair, and maintenance of real or personal property including stages, sets, props, models, paintings, and facilities principally required for the performance of those services listed in sub-subparagraph a.; and

c. Property management services directly related to property used in connection with the services described in sub-subparagraphs a. and b.

This exemption will inure to the taxpayer upon presentation of the certificate of exemption issued to the taxpayer under the provisions of s. 288.1258.

10. Leased, subleased, licensed, or rented to a person providing food and drink concessionaire services within the premises of a convention hall, exhibition hall, auditorium, stadium, theater, arena, civic center, performing arts center, publicly owned recreational facility, or any business operated under a permit issued pursuant to chapter 550. A person providing retail concessionaire services involving the sale of food and drink or other tangible personal property within the premises of an airport shall be subject to tax on the rental of real property used for that purpose, but shall not be subject to the tax on any license to use the property. For purposes of this subparagraph, the term "sale" shall not include the leasing of tangible personal property.

11. Property occupied pursuant to an instrument calling for payments which the department has declared, in a Technical Assistance Advisement issued on or before March 15, 1993, to be nontaxable pursuant to rule 12A-1.070(19)(c), Florida Administrative Code; provided that this subparagraph shall only apply to property occupied by the same person before and after the execution of the subject instrument and

only to those payments made pursuant to such instrument, exclusive of renewals and extensions thereof occurring after March 15, 1993.

12. Rented, leased, subleased, or licensed to a concessionaire by a convention hall, exhibition hall, auditorium, stadium, theater, arena, civic center, performing arts center, or publicly owned recreational facility, during an event at the facility, to be used by the concessionaire to sell souvenirs, novelties, or other event-related products. This subparagraph applies only to that portion of the rental, lease, or license payment which is based on a percentage of sales and not based on a fixed price. This subparagraph is repealed July 1, 2009.

13. Property used or occupied predominantly for space flight business purposes. As used in this subparagraph, "space flight business" means the manufacturing, processing, or assembly of a space facility, space propulsion system, space vehicle, satellite, or station of any kind possessing the capacity for space flight, as defined by s. 212.02(23), or components thereof, and also means the following activities supporting space flight: vehicle launch activities, flight operations, ground control or ground support, and all administrative activities directly related thereto. Property shall be deemed to be used or occupied predominantly for space flight business purposes if more than 50 percent of the property, or improvements thereon, is used for one or more space flight business purposes. Possession by a landlord, lessor, or licensor of a signed written statement from the tenant, lessee, or licensee claiming the exemption shall relieve the landlord, lessor, or licensor from the responsibility of collecting the tax, and the department shall look solely to the tenant, lessee, or licensee for recovery of such tax if it determines that the exemption was not applicable.

14. Rented, leased, subleased, or licensed to a person providing telecommunications, data systems management, or Internet services at a publicly or privately owned convention hall, civic center, or meeting space at a public lodging establishment as defined in s. 509.013. This subparagraph applies only to that portion of the rental, lease, or license payment that is based upon a percentage of sales, revenue sharing, or royalty payments and not based upon a fixed price. This subparagraph is intended to be clarifying and remedial in nature and shall apply retroactively. This subparagraph does not provide a basis for an assessment of any tax not paid, or create a right to a refund of any tax paid, pursuant to this section before July 1, 2010.

Section 6. Paragraph (a) of subsection (2) of section 212.04, Florida Statutes, is reenacted and amended to read:

212.04 Admissions tax; rate, procedure, enforcement.—

(2)(a)1. No tax shall be levied on admissions to athletic or other events sponsored by elementary schools, junior high schools, middle schools, high schools, community colleges, public or private colleges and universities, deaf and blind schools, facilities of the youth services programs of the Department of Children and Family Services, and state correctional institutions when only student, faculty, or inmate talent is used. However, this exemption shall not apply to admission to athletic events sponsored by a state university, and the proceeds of the tax collected on such admissions shall be retained and used by each institution to support women's athletics as provided in s. 1006.71(2)(c).

2.a. No tax shall be levied on dues, membership fees, and admission charges imposed by not-for-profit sponsoring organizations. To receive this exemption, the sponsoring organization must qualify as a not-for-profit entity under the provisions of s. 501(c)(3) of the Internal Revenue Code of 1954, as amended.

b. No tax shall be levied on admission charges to an event sponsored by a governmental entity, sports authority, or sports commission when held in a convention hall, exhibition hall, auditorium, stadium, theater, arena, civic center, performing arts center, or publicly owned recreational facility and when 100 percent of the risk of success or failure lies with the sponsor of the event and 100 percent of the funds at risk for the event belong to the sponsor, and student or faculty talent is not exclusively used. As used in this sub-subparagraph, the terms "sports authority" and "sports commission" mean a nonprofit organization that is exempt from federal income tax under s. 501(c)(3) of the Internal Revenue Code and that contracts with a county or municipal government for the purpose of promoting and attracting sports-tourism events to the community with which it contracts. ~~This sub-subparagraph is repealed July 1, 2009.~~

3. No tax shall be levied on an admission paid by a student, or on the student's behalf, to any required place of sport or recreation if the student's participation in the sport or recreational activity is required as a part of a program or activity sponsored by, and under the jurisdiction of, the student's educational institution, provided his or her attendance is as a participant and not as a spectator.

4. No tax shall be levied on admissions to the National Football League championship game *or Pro Bowl;*~~,~~ on admissions to any semifinal game or championship game of a national collegiate tournament*;*~~, or~~ on admissions to a Major League Baseball*, National Basketball Association, or National Hockey League* all-star game*; on admissions to the Major League Baseball Home Run Derby held before the Major League Baseball All-Star Game; or on admissions to the National Basketball Association Rookie Challenge, Celebrity Game, 3-Point Shooting Contest, or Slam Dunk Challenge*.

5. A participation fee or sponsorship fee imposed by a governmental entity as described in s. 212.08(6) for an athletic or recreational program is exempt when the governmental entity by itself, or in conjunction with an organization exempt under s. 501(c)(3) of the Internal Revenue Code of 1954, as amended, sponsors, administers, plans, supervises, directs, and controls the athletic or recreational program.

6. Also exempt from the tax imposed by this section to the extent provided in this subparagraph are admissions to live theater, live opera, or live ballet productions in this state which are sponsored by an organization that has received a determination from the Internal Revenue Service that the organization is exempt from federal income tax under s. 501(c)(3) of the Internal Revenue Code of 1954, as amended, if the organization actively participates in planning and conducting the event, is responsible for the safety and success of the event, is organized for the purpose of sponsoring live theater, live opera, or live ballet productions in this state, has more than 10,000 subscribing members and has among the stated purposes in its charter the promotion of arts education in the communities which it serves, and will receive at least 20 percent of the net profits, if any, of the events which the organization sponsors and will bear the risk of at least 20 percent of the losses, if any, from the events which it sponsors if the organization employs other persons as agents to provide services in connection with a sponsored event. Prior to March 1 of each year, such organization may apply to the department for a certificate of exemption for admissions to such events sponsored in this state by the organization during the immediately following state fiscal year. The application shall state the total dollar amount of admissions receipts collected by the organization or its agents from such events in this state sponsored by the organization or its agents in the year immediately preceding the year in which the organization applies for the exemption. Such organization shall receive the exemption only to the extent of $1.5 million multiplied by the ratio that such receipts bear to the total of such receipts of all organizations applying for the exemption in such year; however, in no event shall such exemption granted to any organization exceed 6 percent of such admissions receipts collected by the organization or its agents in the year immediately preceding the year in which the organization applies for the exemption. Each organization receiving the exemption shall report each month to the department the total admissions receipts collected from such events sponsored by the organization during the preceding month and shall remit to the department an amount equal to 6 percent of such receipts reduced by any amount remaining under the exemption. Tickets for such events sold by such organizations shall not reflect the tax otherwise imposed under this section.

7. Also exempt from the tax imposed by this section are entry fees for participation in freshwater fishing tournaments.

8. Also exempt from the tax imposed by this section are participation or entry fees charged to participants in a game, race, or other sport or recreational event if spectators are charged a taxable admission to such event.

9. No tax shall be levied on admissions to any postseason collegiate football game sanctioned by the National Collegiate Athletic Association.

Section 7. Effective July 1, 2010, paragraph (a) of subsection (1) of section 212.05, Florida Statutes, is amended, and subsection (5) is added to that section, to read:

212.05 Sales, storage, use tax.—It is hereby declared to be the legislative intent that every person is exercising a taxable privilege who engages in the business of selling tangible personal property at retail in this state, including the business of making mail order sales, or who rents or furnishes any of the things or services taxable under this chapter, or who stores for use or consumption in this state any item or article of tangible personal property as defined herein and who leases or rents such property within the state.

(1) For the exercise of such privilege, a tax is levied on each taxable transaction or incident, which tax is due and payable as follows:

(a)1.a. At the rate of 6 percent of the sales price of each item or article of tangible personal property when sold at retail in this state, computed on each taxable sale for the purpose of remitting the amount of tax due the state, and including each and every retail sale.

b. Each occasional or isolated sale of an aircraft, boat, mobile home, or motor vehicle of a class or type which is required to be registered, licensed, titled, or documented in this state or by the United States Government shall be subject to tax at the rate provided in this paragraph. The department shall by rule adopt any nationally recognized publication for valuation of used motor vehicles as the reference price list for any used motor vehicle which is required to be licensed pursuant to s. 320.08(1), (2), (3)(a), (b), (c), or (e), or (9). If any party to an occasional or isolated sale of such a vehicle reports to the tax collector a sales price which is less than 80 percent of the average loan price for the specified model and year of such vehicle as listed in the most recent reference price list, the tax levied under this paragraph shall be computed by the department on such average loan price unless the parties to the sale have provided to the tax collector an affidavit signed by each party, or other substantial proof, stating the actual sales price. Any party to such sale who reports a sales price less than the actual sales price is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. The department shall collect or attempt to collect from such party any delinquent sales taxes. In addition, such party shall pay any tax due and any penalty and interest assessed plus a penalty equal to twice the amount of the additional tax owed. Notwithstanding any other provision of law, the Department of Revenue may waive or compromise any penalty imposed pursuant to this subparagraph.

2. This paragraph does not apply to the sale of a boat or aircraft by or through a registered dealer under this chapter to a purchaser who, at the time of taking delivery, is a nonresident of this state, does not make his or her permanent place of abode in this state, and is not engaged in carrying on in this state any employment, trade, business, or profession in which the boat or aircraft will be used in this state, or is a corporation none of the officers or directors of which is a resident of, or makes his or her permanent place of abode in, this state, or is a noncorporate entity that has no individual vested with authority to participate in the management, direction, or control of the entity's affairs who is a resident of, or makes his or her permanent abode in, this state. For purposes of this exemption, either a registered dealer acting on his or her own behalf as seller, a registered dealer acting as broker on behalf of a seller, or a registered dealer acting as broker on behalf of the purchaser may be deemed to be the selling dealer. This exemption shall not be allowed unless:

a. The purchaser removes a qualifying boat, as described in sub-subparagraph f., from the state within 90 days after the date of purchase or extension, or the purchaser removes a nonqualifying boat or an aircraft from this state within 10 days after the date of purchase or, when the boat or aircraft is repaired or altered, within 20 days after completion of the repairs or alterations;

b. The purchaser, within 30 days from the date of departure, shall provide the department with written proof that the purchaser licensed, registered, titled, or documented the boat or aircraft outside the state. If such written proof is unavailable, within 30 days the purchaser shall provide proof that the purchaser applied for such license, title, registration, or documentation. The purchaser shall forward to the department proof of title, license, registration, or documentation upon receipt;

c. The purchaser, within 10 days of removing the boat or aircraft from Florida, shall furnish the department with proof of removal in the form of receipts for fuel, dockage, slippage, tie-down, or hangaring from outside of Florida. The information so provided must clearly and specifically identify the boat or aircraft;

d. The selling dealer, within 5 days of the date of sale, shall provide to the department a copy of the sales invoice, closing statement, bills of sale, and the original affidavit signed by the purchaser attesting that he or she has read the provisions of this section;

e. The seller makes a copy of the affidavit a part of his or her record for as long as required by s. 213.35; and

f. Unless the nonresident purchaser of a boat of 5 net tons of admeasurement or larger intends to remove the boat from this state within 10 days after the date of purchase or when the boat is repaired or altered, within 20 days after completion of the repairs or alterations, the nonresident purchaser shall apply to the selling dealer for a decal which authorizes 90 days after the date of purchase for removal of the boat. The nonresident purchaser of a qualifying boat may apply to the selling dealer within 60 days after the date of purchase for an extension decal that authorizes the boat to remain in this state for an additional 90 days, but not more than a total of 180 days, before the nonresident purchaser is required to pay the tax imposed by this chapter. The department is authorized to issue decals in advance to dealers. The number of decals issued in advance to a dealer shall be consistent with the volume of the dealer's past sales of boats which qualify under this sub-subparagraph. The selling dealer or his or her agent shall mark and affix the decals to qualifying boats in the manner prescribed by the department, prior to delivery of the boat.

(I) The department is hereby authorized to charge dealers a fee sufficient to recover the costs of decals issued, except the extension decal shall cost $425.

(II) The proceeds from the sale of decals will be deposited into the administrative trust fund.

(III) Decals shall display information to identify the boat as a qualifying boat under this sub-subparagraph, including, but not limited to, the decal's date of expiration.

(IV) The department is authorized to require dealers who purchase decals to file reports with the department and may prescribe all necessary records by rule. All such records are subject to inspection by the department.

(V) Any dealer or his or her agent who issues a decal falsely, fails to affix a decal, mismarks the expiration date of a decal, or fails to properly account for decals will be considered prima facie to have committed a fraudulent act to evade the tax and will be liable for payment of the tax plus a mandatory penalty of 200 percent of the tax, and shall be liable for fine and punishment as provided by law for a conviction of a misdemeanor of the first degree, as provided in s. 775.082 or s. 775.083.

(VI) Any nonresident purchaser of a boat who removes a decal prior to permanently removing the boat from the state, or defaces, changes, modifies, or alters a decal in a manner affecting its expiration date prior to its expiration, or who causes or allows the same to be done by another, will be considered prima facie to have committed a fraudulent act to evade the tax and will be liable for payment of the tax plus a mandatory penalty of 200 percent of the tax, and shall be liable for fine and punishment as provided by law for a conviction of a misdemeanor of the first degree, as provided in s. 775.082 or s. 775.083.

(VII) The department is authorized to adopt rules necessary to administer and enforce this subparagraph and to publish the necessary forms and instructions.

(VIII) The department is hereby authorized to adopt emergency rules pursuant to s. 120.54(4) to administer and enforce the provisions of this subparagraph.

If the purchaser fails to remove the qualifying boat from this state within the maximum 180 days after purchase or a nonqualifying boat or an aircraft from this state within 10 days after purchase or, when the boat or aircraft is repaired or altered, within 20 days after completion of such repairs or alterations, or permits the boat or aircraft to return to this state within 6 months from the date of departure, *except as provided in s. 212.08(7)(ggg),* or if the purchaser fails to furnish the department with any of the documentation required by this subparagraph within the prescribed time period, the purchaser shall be liable for use tax on the cost price of the boat or aircraft and, in addition thereto, payment of a

penalty to the Department of Revenue equal to the tax payable. This penalty shall be in lieu of the penalty imposed by s. 212.12(2) and is mandatory and shall not be waived by the department. The maximum 180-day period following the sale of a qualifying boat tax-exempt to a nonresident may not be tolled for any reason. ~~Notwithstanding other provisions of this paragraph to the contrary, an aircraft purchased in this state under the provisions of this paragraph may be returned to this state for repairs within 6 months after the date of its departure without being in violation of the law and without incurring liability for the payment of tax or penalty on the purchase price of the aircraft if the aircraft is removed from this state within 20 days after the completion of the repairs and if such removal can be demonstrated by invoices for fuel, tie-down, hangar charges issued by out-of-state vendors or suppliers, or similar documentation.~~

(5) Notwithstanding any other provision of this chapter, the maximum amount of tax imposed under this chapter and collected on each sale or use of a boat in this state may not exceed $18,000.

Section 8. Effective July 1, 2010, section 212.0597, Florida Statutes, is created to read:

212.0597 Maximum tax on fractional aircraft ownership interests.—The maximum tax imposed under this chapter, including any discretionary sales surtax under s. 212.055, is limited to $300 on the sale or use in this state of a fractional ownership interest in aircraft pursuant to a fractional aircraft ownership program. The tax applies to the total consideration paid for the fractional ownership interest, including any amounts paid by the fractional owner as monthly management or maintenance fees. The tax applies only if the fractional ownership interest is sold by or to the program manager of the fractional aircraft ownership program, or if the fractional ownership interest is transferred upon the approval of the program manager of the fractional aircraft ownership program.

Section 9. Effective July 1, 2010, paragraphs (b) and (g) of subsection (5) of section 212.08, Florida Statutes, are amended, paragraph (q) is added to that subsection, and paragraphs (ggg) and (hhh) are added to subsection (7) of that section, to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(5) EXEMPTIONS; ACCOUNT OF USE.—

(b) *Machinery and equipment used to increase productive output.—*

1. Industrial machinery and equipment purchased for exclusive use by a new business in spaceport activities as defined by s. 212.02 or for use in new businesses *that* ~~which~~ manufacture, process, compound, or produce for sale items of tangible personal property at fixed locations are exempt from the tax imposed by this chapter upon an affirmative showing by the taxpayer to the satisfaction of the department that such items are used in a new business in this state. Such purchases must be made prior to the date the business first begins its productive operations, and delivery of the purchased item must be made within 12 months *after* ~~of~~ that date.

2. Industrial machinery and equipment purchased for exclusive use by an expanding facility which is engaged in spaceport activities as defined by s. 212.02 or for use in expanding manufacturing facilities or plant units which manufacture, process, compound, or produce for sale items of tangible personal property at fixed locations in this state are exempt from any amount of tax imposed by this chapter upon an affirmative showing by the taxpayer to the satisfaction of the department that such items are used to increase the productive output of such expanded facility or business by not less than 10 percent.

3.a. To receive an exemption provided by subparagraph 1. or subparagraph 2., a qualifying business entity shall apply to the department for a temporary tax exemption permit. The application shall state that a new business exemption or expanded business exemption is being sought. Upon a tentative affirmative determination by the department pursuant to subparagraph 1. or subparagraph 2., the department shall issue such permit.

b. The applicant shall ~~be required to~~ maintain all necessary books and records to support the exemption. Upon completion of purchases of qualified machinery and equipment pursuant to subparagraph 1. or subparagraph 2., the temporary tax permit shall be delivered to the department or returned to the department by certified or registered mail.

c. If, in a subsequent audit conducted by the department, it is determined that the machinery and equipment purchased as exempt under subparagraph 1. or subparagraph 2. did not meet the criteria mandated by this paragraph or if commencement of production did not occur, the amount of taxes exempted at the time of purchase shall immediately be due and payable to the department by the business entity, together with the appropriate interest and penalty, computed from the date of purchase, in the manner prescribed by this chapter.

d. *If* ~~In the event~~ a qualifying business entity fails to apply for a temporary exemption permit or if the tentative determination by the department required to obtain a temporary exemption permit is negative, a qualifying business entity shall receive the exemption provided in subparagraph 1. or subparagraph 2. through a refund of previously paid taxes. No refund may be made for such taxes unless the criteria mandated by subparagraph 1. or subparagraph 2. have been met and commencement of production has occurred.

4. The department shall adopt rules governing applications for, issuance of, and the form of temporary tax exemption permits; provisions for recapture of taxes; and the manner and form of refund applications, and may establish guidelines as to the requisites for an affirmative showing of increased productive output, commencement of production, and qualification for exemption.

5. The exemptions provided in subparagraphs 1. and 2. do not apply to machinery or equipment purchased or used by electric utility companies, communications companies, oil or gas exploration or production operations, publishing firms that do not export at least 50 percent of their finished product out of the state, any firm subject to regulation by the Division of Hotels and Restaurants of the Department of Business and Professional Regulation, or any firm *that* ~~which~~ does not manufacture, process, compound, or produce for sale items of tangible personal property or *that* ~~which~~ does not use such machinery and equipment in spaceport activities as required by this paragraph. The exemptions provided in subparagraphs 1. and 2. shall apply to machinery and equipment purchased for use in phosphate or other solid minerals severance, mining, or processing operations.

6. For the purposes of the exemptions provided in subparagraphs 1.and 2., these terms have the following meanings:

a. "Industrial machinery and equipment" means tangible personal property or other property that has a depreciable life of 3 years or more and that is used as an integral part in the manufacturing, processing, compounding, or production of tangible personal property for sale or is exclusively used in spaceport activities. A building and its structural components are not industrial machinery and equipment unless the building or structural component is so closely related to the industrial machinery and equipment that it houses or supports that the building or structural component can be expected to be replaced when the machinery and equipment are replaced. Heating and air-conditioning systems are not industrial machinery and equipment unless the sole justification for their installation is to meet the requirements of the production process, even though the system may provide incidental comfort to employees or serve, to an insubstantial degree, nonproduction activities. The term includes parts and accessories only to the extent that the exemption thereof is consistent with the provisions of this paragraph.

b. "Productive output" means the number of units actually produced by a single plant*,* ~~or~~ operation*, or product line* in a single continuous 12-month period, irrespective of sales. Increases in productive output shall be measured by the output for 12 continuous months *selected by the expanding business* ~~immediately~~ following the completion of installation of such machinery or equipment over the output for the 12 continuous months immediately preceding such installation. However, ~~if a different 12-month continuous period of time would more accurately reflect the increase in productive output of machinery and equipment purchased to facilitate an expansion, the increase in productive output may be measured during that 12-month continuous period of time if such time period is mutually agreed upon by the Department of Revenue and the ex-~~

~~panding business prior to the commencement of production; provided, however,~~ in no case may such time period begin later than 2 years following the completion of installation of the new machinery and equipment. The units used to measure productive output shall be physically comparable between the two periods, irrespective of sales.

(g) *Building materials used in the rehabilitation of real property located in an enterprise zone.*—

1. Building materials used in the rehabilitation of real property located in an enterprise zone *are* ~~shall be~~ exempt from the tax imposed by this chapter upon an affirmative showing to the satisfaction of the department that the items have been used for the rehabilitation of real property located in an enterprise zone. Except as provided in subparagraph 2., this exemption inures to the owner, lessee, or lessor of the rehabilitated real property located in an enterprise zone only through a refund of previously paid taxes. To receive a refund pursuant to this paragraph, the owner, lessee, or lessor of the rehabilitated real property located in an enterprise zone must file an application under oath with the governing body or enterprise zone development agency having jurisdiction over the enterprise zone where the business is located, as applicable, which includes:

a. The name and address of the person claiming the refund.

b. An address and assessment roll parcel number of the rehabilitated real property in an enterprise zone for which a refund of previously paid taxes is being sought.

c. A description of the improvements made to accomplish the rehabilitation of the real property.

d. A copy of the building permit issued for the rehabilitation of the real property.

e. A sworn statement, under the penalty of perjury, from the general contractor licensed in this state with whom the applicant contracted to make the improvements necessary to accomplish the rehabilitation of the real property, which statement lists the building materials used in the rehabilitation of the real property, the actual cost of the building materials, and the amount of sales tax paid in this state on the building materials. *If* ~~In the event that~~ a general contractor has not been used, the applicant shall provide this information in a sworn statement, under the penalty of perjury. Copies of the invoices *that* ~~which~~ evidence the purchase of the building materials used in such rehabilitation and the payment of sales tax on the building materials shall be attached to the sworn statement provided by the general contractor or by the applicant. Unless the actual cost of building materials used in the rehabilitation of real property and the payment of sales taxes due thereon is documented by a general contractor or by the applicant in this manner, the cost of such building materials shall be an amount equal to 40 percent of the increase in assessed value for ad valorem tax purposes.

f. The identifying number assigned pursuant to s. 290.0065 to the enterprise zone in which the rehabilitated real property is located.

g. A certification by the local building code inspector that the improvements necessary to accomplish the rehabilitation of the real property are substantially completed.

h. Whether the business is a small business as defined by s. 288.703(1).

i. If applicable, the name and address of each permanent employee of the business, including, for each employee who is a resident of an enterprise zone, the identifying number assigned pursuant to s. 290.0065 to the enterprise zone in which the employee resides.

2. This exemption inures to a *municipality* ~~city~~, county, other governmental agency, or nonprofit community-based organization through a refund of previously paid taxes if the building materials used in the rehabilitation of real property located in an enterprise zone are paid for from the funds of a community development block grant, State Housing Initiatives Partnership Program, or similar grant or loan program. To receive a refund pursuant to this paragraph, a *municipality* ~~city~~, county, other governmental agency, or nonprofit community-based organization must file an application *that* ~~which~~ includes the same information required to be provided in subparagraph 1. by an owner, lessee, or lessor of rehabilitated real property. In addition, the application must include a sworn statement signed by the chief executive officer of the *municipality* ~~city~~, county, other governmental agency, or nonprofit community-based organization seeking a refund which states that the building materials for which a refund is sought were paid for from the funds of a community development block grant, State Housing Initiatives Partnership Program, or similar grant or loan program.

3. Within 10 working days after receipt of an application, the governing body or enterprise zone development agency shall review the application to determine if it contains all the information required pursuant to subparagraph 1. or subparagraph 2. and meets the criteria set out in this paragraph. The governing body or agency shall certify all applications that contain the information required pursuant to subparagraph 1. or subparagraph 2. and *that* meet the criteria set out in this paragraph as eligible to receive a refund. If applicable, the governing body or agency shall also certify if 20 percent of the employees of the business are residents of an enterprise zone, excluding temporary and part-time employees. The certification shall be in writing, and a copy of the certification shall be transmitted to the executive director of the department ~~of Revenue~~. The applicant *is* ~~shall be~~ responsible for forwarding a certified application to the department within the time specified in subparagraph 4.

4. An application for a refund pursuant to this paragraph must be submitted to the department within 6 months after the rehabilitation of the property is deemed to be substantially completed by the local building code inspector or by September 1 after the rehabilitated property is first subject to assessment.

5. Not more than one exemption through a refund of previously paid taxes for the rehabilitation of real property shall be permitted for any single parcel of property unless there is a change in ownership, a new lessor, or a new lessee of the real property. No refund shall be granted pursuant to this paragraph unless the amount to be refunded exceeds $500. No refund granted pursuant to this paragraph shall exceed the lesser of 97 percent of the Florida sales or use tax paid on the cost of the building materials used in the rehabilitation of the real property as determined pursuant to sub-subparagraph 1.e. or $5,000, or, if no less than 20 percent of the employees of the business are residents of an enterprise zone, excluding temporary and part-time employees, the amount of refund granted pursuant to this paragraph *may* ~~shall~~ not exceed the lesser of 97 percent of the sales tax paid on the cost of such building materials or $10,000. A refund approved pursuant to this paragraph shall be made within 30 days *after* ~~of~~ formal approval by the department of the application for the refund. This subparagraph *applies* ~~shall apply~~ retroactively to July 1, 2005.

6. The department shall adopt rules governing the manner and form of refund applications and may establish guidelines as to the requisites for an affirmative showing of qualification for exemption under this paragraph.

7. The department shall deduct an amount equal to 10 percent of each refund granted under ~~the provisions of~~ this paragraph from the amount transferred into the Local Government Half-cent Sales Tax Clearing Trust Fund pursuant to s. 212.20 for the county area in which the rehabilitated real property is located and shall transfer that amount to the General Revenue Fund.

8. For the purposes of the exemption provided in this paragraph*, the term*:

a. "Building materials" means tangible personal property *that* ~~which~~ becomes a component part of improvements to real property.

b. "Real property" has the same meaning as provided in s. 192.001(12)*, except that the term does not include a condominium parcel or condominium property as defined in s. 718.103*.

c. "Rehabilitation of real property" means the reconstruction, renovation, restoration, rehabilitation, construction, or expansion of improvements to real property.

d. "Substantially completed" has the same meaning as provided in s. 192.042(1).

9. This paragraph expires on the date specified in s. 290.016 for the expiration of the Florida Enterprise Zone Act.

(q) Entertainment industry tax credit; authorization; eligibility for credits.—The credits against the state sales tax authorized pursuant to s. 288.1254 shall be deducted from any sales and use tax remitted by the dealer to the department by electronic funds transfer and may only be deducted on a sales and use tax return initiated through electronic data interchange. The dealer shall separately state the credit on the electronic return. The net amount of tax due and payable must be remitted by electronic funds transfer. If the credit for the qualified expenditures is larger than the amount owed on the sales and use tax return that is eligible for the credit, the unused amount of the credit may be carried forward to a succeeding reporting period as provided in s. 288.1254(4)(e). A dealer may only obtain a credit using the method described in this subparagraph. A dealer is not authorized to obtain a credit by applying for a refund.

(7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any entity by this chapter do not inure to any transaction that is otherwise taxable under this chapter when payment is made by a representative or employee of the entity by any means, including, but not limited to, cash, check, or credit card, even when that representative or employee is subsequently reimbursed by the entity. In addition, exemptions provided to any entity by this subsection do not inure to any transaction that is otherwise taxable under this chapter unless the entity has obtained a sales tax exemption certificate from the department or the entity obtains or provides other documentation as required by the department. Eligible purchases or leases made with such a certificate must be in strict compliance with this subsection and departmental rules, and any person who makes an exempt purchase with a certificate that is not in strict compliance with this subsection and the rules is liable for and shall pay the tax. The department may adopt rules to administer this subsection.

(ggg) Aircraft temporarily in the state.—

1. An aircraft owned by a nonresident is exempt from the use tax imposed by this chapter if the aircraft enters and remains in this state for less than a total of 21 days during the 6-month period after the date of purchase. The temporary use of the aircraft and subsequent removal from this state may be proven by invoices for fuel, tie-down, or hangar charges issued by out-of-state vendors or suppliers or similar documentation that clearly and specifically identifies the aircraft. The exemption created by this subparagraph is in addition to the exemptions provided in subparagraph 2. and s. 212.05(1)(a).

2. An aircraft owned by a nonresident is exempt from the use tax imposed by this chapter if the aircraft enters or remains in this state exclusively for the purpose of flight training, repairs, alterations, refitting, or modification. Such purposes must be supported by written documentation issued by in-state vendors or suppliers which clearly and specifically identifies the aircraft. The exemption created by this subparagraph is in addition to the exemptions provided in subparagraph 1. and s. 212.05(1)(a).

(hhh) Fractional aircraft ownership programs.—The sale or use of aircraft primarily used in a fractional aircraft ownership program or of any parts or labor used in the completion, maintenance, repair, or overhaul of such aircraft is exempt from the tax imposed by this chapter. The exemption is not allowed unless the program manager of the fractional aircraft ownership program furnishes the dealer with a certificate stating that the lease, purchase, repair, or maintenance is for aircraft primarily used in a fractional aircraft ownership program and that the program manager qualifies for the exemption. If a program manager makes tax-exempt purchases on a continual basis, the program manager may allow the dealer to keep the certificate on file. The program manager must inform a dealer that keeps the certificate on file if the program manager no longer qualifies for the exemption. The department may adopt rules to administer this paragraph, including rules determining the format of the certificate.

Section 10. Effective July 1, 2010, paragraph (z) is added to subsection (8) of section 213.053, Florida Statutes, to read:

213.053 Confidentiality and information sharing.—

(8) Notwithstanding any other provision of this section, the department may provide:

(z) Information relative to tax credits taken under s. 288.1254 to the Office of Film and Entertainment and the Office of Tourism, Trade, and Economic Development.

Disclosure of information under this subsection shall be pursuant to a written agreement between the executive director and the agency. Such agencies, governmental or nongovernmental, shall be bound by the same requirements of confidentiality as the Department of Revenue. Breach of confidentiality is a misdemeanor of the first degree, punishable as provided by s. 775.082 or s. 775.083.

Section 11. Effective July 1, 2010, subsection (8) of section 220.02, Florida Statutes, is amended to read:

220.02 Legislative intent.—

(8) It is the intent of the Legislature that credits against either the corporate income tax or the franchise tax be applied in the following order: those enumerated in s. 631.828, those enumerated in s. 220.191, those enumerated in s. 220.181, those enumerated in s. 220.183, those enumerated in s. 220.182, those enumerated in s. 220.1895, those enumerated in s. 221.02, those enumerated in s. 220.184, those enumerated in s. 220.186, those enumerated in s. 220.1845, those enumerated in s. 220.19, those enumerated in s. 220.185, those enumerated in s. 220.187, those enumerated in s. 220.192, those enumerated in s. 220.193, ~~and~~ those enumerated in s. 288.9916*, those enumerated in s. 220.1899, and those enumerated in s. 220.1896*.

Section 12. Paragraph (a) of subsection (1) of section 220.13, Florida Statutes, is amended to read:

220.13 "Adjusted federal income" defined.—

(1) The term "adjusted federal income" means an amount equal to the taxpayer's taxable income as defined in subsection (2), or such taxable income of more than one taxpayer as provided in s. 220.131, for the taxable year, adjusted as follows:

(a) Additions.—There shall be added to such taxable income:

1. The amount of any tax upon or measured by income, excluding taxes based on gross receipts or revenues, paid or accrued as a liability to the District of Columbia or any state of the United States which is deductible from gross income in the computation of taxable income for the taxable year.

2. The amount of interest which is excluded from taxable income under s. 103(a) of the Internal Revenue Code or any other federal law, less the associated expenses disallowed in the computation of taxable income under s. 265 of the Internal Revenue Code or any other law, excluding 60 percent of any amounts included in alternative minimum taxable income, as defined in s. 55(b)(2) of the Internal Revenue Code, if the taxpayer pays tax under s. 220.11(3).

3. In the case of a regulated investment company or real estate investment trust, an amount equal to the excess of the net long-term capital gain for the taxable year over the amount of the capital gain dividends attributable to the taxable year.

4. That portion of the wages or salaries paid or incurred for the taxable year which is equal to the amount of the credit allowable for the taxable year under s. 220.181. This subparagraph shall expire on the date specified in s. 290.016 for the expiration of the Florida Enterprise Zone Act.

5. That portion of the ad valorem school taxes paid or incurred for the taxable year which is equal to the amount of the credit allowable for the taxable year under s. 220.182. This subparagraph shall expire on the date specified in s. 290.016 for the expiration of the Florida Enterprise Zone Act.

6. The amount of emergency excise tax paid or accrued as a liability to this state under chapter 221 which tax is deductible from gross income in the computation of taxable income for the taxable year.

7. That portion of assessments to fund a guaranty association incurred for the taxable year which is equal to the amount of the credit allowable for the taxable year.

8. In the case of a nonprofit corporation which holds a pari-mutuel permit and which is exempt from federal income tax as a farmers' co-operative, an amount equal to the excess of the gross income attributable to the pari-mutuel operations over the attributable expenses for the taxable year.

9. The amount taken as a credit for the taxable year under s. 220.1895.

10. Up to nine percent of the eligible basis of any designated project which is equal to the credit allowable for the taxable year under s. 220.185.

11. The amount taken as a credit for the taxable year under s. 220.187.

12. The amount taken as a credit for the taxable year under s. 220.192.

13. The amount taken as a credit for the taxable year under s. 220.193.

14. Any portion of a qualified investment, as defined in s. 288.9913, which is claimed as a deduction by the taxpayer and taken as a credit against income tax pursuant to s. 288.9916.

15. The costs to acquire a tax credit pursuant to s. 288.1254(5) that are deducted from or otherwise reduce federal taxable income for the taxable year.

Section 13. Effective July 1, 2010, section 220.1896, Florida Statutes, is created to read:

220.1896 Jobs for the Unemployed Tax Credit Program.—

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

(a) "Eligible business" means any target industry business as defined in s. 288.106(2) which is subject to the tax imposed by this chapter. The eligible business does not have to be certified to receive the Qualified Target Industry Tax Refund Incentive under s. 288.106 in order to receive the tax credit available under this section.

(b) "Office" means the Office of Tourism, Trade, and Economic Development.

(c) "Qualified employee" means a person:

1. Who was unemployed at least 30 days immediately prior to being hired by an eligible business.

2. Who was hired by an eligible business on or after July 1, 2010, and had not previously been employed by the eligible business or its parent or an affiliated corporation.

3. Who performed duties connected to the operations of the eligible business on a regular, full-time basis for an average of at least 36 hours per week and for at least 12 months before an eligible business is awarded a tax credit.

4. Whose employment by the eligible business has not formed the basis for any other claim to a credit pursuant to this section.

(2) A certified business shall receive a $1,000 tax credit for each qualified employee, pursuant to limitation in subsection (5).

(3)(a) In order to become a certified business, an eligible business must file under oath with the office an application that includes:

1. The name, address and NAICS identifying code of the eligible business.

2. Relevant employment information.

3. A sworn affidavit, signed by each employee, attesting to his or her previous unemployment for whom the eligible business is seeking credits under this section.

4. Verification that the wages paid by the eligible business to each of its qualified employees exceeds the wage eligibility levels for Medicaid and other public assistance programs.

5. Any other information necessary to process the application.

(b) The office shall process applications to certify a business in the order in which the applications are received, without regard as to whether the applicant is a new or an existing business. The office shall review and approve or deny an application within 10 days after receiving a completed application. The office shall notify the applicant in writing as to the office's decision.

(c)1. The office shall submit a copy of the letter of certification to the department within 10 days after the office issues the letter of certification to the applicant.

2. If the application of an eligible business is not sufficient to certify the applicant business, the office must deny the application and issue a notice of denial to the applicant.

3. If the application of an eligible business does not contain sufficient documentation of the number of qualified employees, the office shall approve the application with respect to the employees for whom the office determines are qualified employees. The office must deny the application with respect to persons for whom the office determines are not qualified employees or for whom insufficient documentation has been provided. A business may not submit a revised application for certification or for the determination of a person as a qualified employee more than 3 months after the issuance of a notice of denial with respect to the business or a particular person as a qualified employee.

(4) The applicant for a tax credit under this section has the responsibility to affirmatively demonstrate to the satisfaction of the office and the department that the applicant and the persons claimed as qualified employees meet the requirements of this section.

(5) The total amount of tax credits under this section which may be approved by the office for all applicants is $10 million, with $5 million available to be awarded in the 2011-2012 fiscal year and $5 million available to be awarded in the 2012-2013 fiscal year.

(6) A tax credit amount that is granted under this section which is not fully used in the first year for which it becomes available, may be carried forward to the subsequent taxable year. The carryover credit may be used in the subsequent year if the tax imposed by this chapter for such year exceeds the credit for such year under this section after applying the other credits and unused credit carryovers in the order provided in s. 220.02(8).

(7) A person who fraudulently claims a credit under this section is liable for repayment of the credit plus a mandatory penalty of 100 percent of the credit. Such person also commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(8) The office may adopt rules governing the manner and form of applications for the tax credit. The office may establish guidelines for making an affirmative showing of qualification for the tax credit under this section.

(9) The department may adopt rules to administer this section, including rules relating to the creation of forms to claim a tax credit and examination and audit procedures required to administer this section.

(10) This section expires June 30, 2012. However, a taxpayer that is awarded a tax credit in the second year of the program may carry forward any unused credit amount to the subsequent tax reporting period. Rules adopted by the department to administer this section shall remain valid as long as a taxpayer may use a credit against its corporate income tax liability.

Section 14. Effective July 1, 2010, section 220.1899, Florida Statutes, is created to read:

220.1899 Entertainment industry tax credit.—

(1) There shall be a credit allowed against the tax imposed by this chapter in the amounts awarded by the Office of Tourism, Trade, and Economic Development under the entertainment industry financial incentive program in s. 288.1254.

(2) A qualified production company as defined in s. 288.1254 that is awarded a tax credit under s. 288.1254 may not claim the credit before July 1, 2011, regardless of when the credit is awarded.

(3) To the extent that the amount of a tax credit exceeds the amount due on a return, the balance of the credit may be carried forward to a succeeding taxable year pursuant to s. 288.1254(4)(e).

Section 15. Subsection (1) of section 288.018, Florida Statutes, is amended to read:

288.018 Regional Rural Development Grants Program.—

(1) The Office of Tourism, Trade, and Economic Development shall establish a matching grant program to provide funding to regionally based economic development organizations representing rural counties and communities for the purpose of building the professional capacity of their organizations. *Such matching grants may also be used by an economic development organization to provide technical assistance to businesses within the rural counties and communities that it serves.* The Office of Tourism, Trade, and Economic Development is authorized to approve, on an annual basis, grants to such regionally based economic development organizations. The maximum amount an organization may receive in any year will be $35,000, or $100,000 in a rural area of critical economic concern recommended by the Rural Economic Development Initiative and designated by the Governor, and must be matched each year by an equivalent amount of nonstate resources.

Section 16. Effective July 1, 2010, section 288.0659, Florida Statutes, is created to read:

288.0659 Local Government Distressed Area Matching Grant Program.—

(1) The Local Government Distressed Area Matching Grant Program is created within the Office of Tourism, Trade, and Economic Development. The purpose of the program is to stimulate investment in the state's economy by providing grants to match demonstrated business assistance by local governments to attract and retain businesses in this state.

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

(a) "Local government" means a county or municipality.

(b) "Office" means the Office of Tourism, Trade, and Economic Development.

(c) "Qualified business assistance" means economic incentives provided by a local government for the purpose of attracting or retaining a specific business, including, but not limited to, suspensions, waivers, or reductions of impact fees or permit fees; direct incentive payments; expenditures for onsite or offsite improvements directly benefiting a specific business; or construction or renovation of buildings for a specific business.

(3) The office may accept and administer moneys appropriated to the office for providing grants to match expenditures by local governments to attract or retain businesses in this state.

(4) A local government may apply for grants to match qualified business assistance made by the local government for the purpose of attracting or retaining a specific business. A local government may apply for no more than one grant per targeted business. A local government may only have one application pending with the office. Additional applications may be filed after a previous application has been approved or denied.

(5) To qualify for a grant, the business being targeted by a local government must create at least 15 full-time jobs, must be new to this state, must be expanding its operations in this state, or would otherwise leave the state absent state and local assistance, and the local government applying for the grant must expedite its permitting processes for the target business by accelerating the normal review and approval timelines. In addition to these requirements, the office shall review the grant requests using the following evaluation criteria, with priority given in descending order:

(a) The presence and degree of pervasive poverty, unemployment, and general distress as determined pursuant to s. 290.0058 in the area where the business will locate, with priority given to locations with greater degrees of poverty, unemployment, and general distress.

(b) The extent of reliance on the local government expenditure as an inducement for the business's location decision, with priority given to higher levels of local government expenditure.

(c) The number of new full-time jobs created, with priority given to higher numbers of jobs created.

(d) The average hourly wage for jobs created, with priority given to higher average wages.

(e) The amount of capital investment to be made by the business, with priority given to higher amounts of capital investment.

(6) In evaluating grant requests, the office shall take into consideration the need for grant assistance as it relates to the local government's general fund balance as well as local incentive programs that are already in existence.

(7) Funds made available pursuant to this section may not be expended in connection with the relocation of a business from one community to another community in this state unless the office determines that without such relocation the business will move outside this state or determines that the business has a compelling economic rationale for the relocation which creates additional jobs. Funds made available pursuant to this section may not be used by the receiving local government to supplant matching commitments required of the local government pursuant to other state or federal incentive programs.

(8) Within 30 days after the office receives an application for a grant, the office shall approve a preliminary grant allocation or disapprove the application. The preliminary grant allocation shall be based on estimates of qualified business assistance submitted by the local government and shall equal 50 percent of the amount of the estimated qualified business assistance or $50,000, whichever is less. The preliminary grant allocation shall be executed by contract with the local government. The contract shall set forth the terms and conditions, including the timeframes within which the final grant award will be disbursed. The final grant award may not exceed the preliminary grant allocation. The office may approve preliminary grant allocations only to the extent that funds are appropriated for such grants by the Legislature.

(a) Preliminary grant allocations that are revoked or voluntarily surrendered shall be immediately available for reallocation.

(b) Recipients of preliminary grant allocations shall promptly report to the office the date on which the local government's permitting and approval process is completed and the date on which all qualified business assistance are completed.

(9) The office shall make a final grant award to a local government within 30 days after receiving information from the local government sufficient to demonstrate actual qualified business assistance. An awarded grant amount shall equal 50 percent of the amount of the qualified business assistance or $50,000, whichever is less, and may not exceed the preliminary grant allocation. The amount by which a preliminary grant allocation exceeds a final grant award shall be immediately available for reallocation.

(10) Up to 2 percent of the funds appropriated annually be the Legislature for the program may be used by the office for direct administrative costs associated with implementing this section.

Section 17. Paragraph (j) of subsection (1) of section 288.1045, Florida Statutes, is amended to read:

288.1045 Qualified defense contractor and space flight business tax refund program.—

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

(j) "Jobs" means full-time equivalent positions, *including, but not limited to, positions obtained from a temporary employment agency or employee leasing company or through a union agreement or coemployment under a professional employer organization agreement, that* ~~consistent with the use of such terms by the Agency for Workforce Innovation for the purpose of unemployment compensation tax, created or retained as a direct~~ result *directly from* ~~of~~ a project in this state. This number does not include temporary construction jobs involved with the construction of facilities for the project.

Section 18. Paragraphs (c), (d), and (e) of subsection (2) of section 288.106, Florida Statutes, are redesignated as paragraphs (d), (e), and (f), respectively, and paragraph (o) of subsection (1), paragraph (b) of subsection (2), paragraphs (a) and (b) of subsection (3), and subsection (8) of that section are amended to read:

288.106 Tax refund program for qualified target industry businesses.—

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

(o) "Target industry business" means a corporate headquarters business or any business that is engaged in one of the target industries identified pursuant to the following criteria developed by the office in consultation with Enterprise Florida, Inc.:

1. Future growth.—Industry forecasts should indicate strong expectation for future growth in both employment and output, according to the most recent available data. Special consideration should be given to *businesses that export goods or services* ~~Florida's growing access~~ to international markets or to *businesses that replace domestic and international* ~~replacing~~ imports *of goods or services*.

2. Stability.—The industry should not be subject to periodic layoffs, whether due to seasonality or sensitivity to volatile economic variables such as weather. The industry should also be relatively resistant to recession, so that the demand for products of this industry is not *typically* ~~necessarily~~ subject to decline during an economic downturn.

3. High wage.—The industry should pay relatively high wages compared to statewide or area averages.

4. Market and resource independent.—The location of industry businesses should not be dependent on Florida markets or resources as indicated by industry analysis*, except for businesses in the renewable energy industry*. ~~Special consideration should be given to the development of strong industrial clusters which include defense and homeland security businesses.~~

5. Industrial base diversification and strengthening.—The industry should contribute toward expanding or diversifying the state's or area's economic base, as indicated by analysis of employment and output shares compared to national and regional trends. Special consideration should be given to industries that strengthen regional economies by adding value to basic products or building regional industrial clusters as indicated by industry analysis. *Special consideration should also be given to the development of strong industrial clusters which include defense and homeland security businesses.*

6. Economic benefits.—The industry *is expected to* ~~should~~ have strong positive impacts on or benefits to the state *or* ~~and~~ regional economies.

~~The office, in consultation with Enterprise Florida, Inc., shall develop a list of such target industries annually and submit such list as part of the final agency legislative budget request submitted pursuant to s. 216.023(1).~~ A target industry business may not include any *business* ~~industry~~ engaged in retail *industry* activities; any electrical utility company; any phosphate or other solid minerals severance, mining, or processing operation; any oil or gas exploration or production operation; or any *business* ~~firm~~ subject to regulation by the Division of Hotels and Restaurants of the Department of Business and Professional Regulation. *Any business within NAICS code 5611 or 5614, office administrative services and business support services, respectively, may be considered a target industry business only after the local governing body and Enterprise Florida, Inc., make a determination that the community where the business may locate has conditions affecting the fiscal and economic viability of the local community or area, including but not limited to, factors such as low per capita income, high unemployment, high underemployment, and a lack of year-round stable employment opportunities, and such conditions may be improved by the location of such a business to the community. By January 1 of every 3rd year, beginning January 1, 2011, the office, in consultation with Enterprise Florida, Inc., economic development organizations, the State University System, local governments, employee and employer organizations, market analysts, and economists, shall review and, as appropriate, revise the list of such target industries and submit the list to the Governor, the President of the Senate, and the Speaker of the House of Representatives.*

(2) TAX REFUND; ELIGIBLE AMOUNTS.—

(b)*1.* Upon approval by the *office* ~~director~~, a qualified target industry business shall be allowed tax refund payments equal to $3,000 *multiplied by* ~~times~~ the number of jobs specified in the tax refund agreement under subparagraph (4)(a)1., or equal to $6,000 *multiplied by* ~~times~~ the number of jobs if the project is located in a rural *community* ~~county~~ or an enterprise zone.

2. ~~Further,~~ A qualified target industry business shall be allowed additional tax refund payments equal to $1,000 *multiplied by* ~~times~~ the number of jobs specified in the tax refund agreement under subparagraph (4)(a)1., if such jobs pay an annual average wage of at least 150 percent of the average private sector wage in the area, or equal to $2,000 *multiplied by* ~~times~~ the number of jobs if such jobs pay an annual average wage of at least 200 percent of the average private sector wage in the area.

3. A qualified target industry business shall be allowed tax refund payments in addition to the other payments authorized in this paragraph equal to $1,000 multiplied by the number of jobs specified in the tax refund agreement under subparagraph (4)(a)1. if the local financial support is equal to that of the state's incentive award under subparagraph 1.

4. In addition to the other tax refund payments authorized in this paragraph, a qualified target industry business shall be allowed a tax refund payment equal to $2,000 multiplied by the number of jobs specified in the tax refund agreement under subparagraph (4)(a)1. if the business:

a. Falls within one of the high-impact sectors designated under s. 288.108; or

b. Increases exports of its goods through a seaport or airport in the state by at least 10 percent in value or tonnage in each of the years that the business receives a tax refund under this section. For purposes of this sub-subparagraph, seaports in the state are limited to the ports of Jacksonville, Tampa, Port Everglades, Miami, Port Canaveral, Ft. Pierce, Palm Beach, Port Manatee, Port St. Joe, Panama City, St. Petersburg, Pensacola, Fernandina, and Key West.

(c) A qualified target industry business may not receive refund payments of more than 25 percent of the total tax refunds specified in the tax refund agreement under subparagraph (4)(a)1. in any fiscal year. Further, a qualified target industry business may not receive more than $1.5 million in refunds under this section in any single fiscal year, or more than $2.5 million in any single fiscal year if the project is located in an enterprise zone. A qualified target industry may not receive more than $5 million in refund payments under this section in all fiscal years, or more than $7.5 million if the project is located in an enterprise zone. Funds made available pursuant to this section may not be expended in connection with the relocation of a business from one community to another community in this state unless the Office of Tourism, Trade, and Economic Development determines that without such relocation the business will move outside this state or determines that the business has a compelling economic rationale for the relocation and that the relocation will create additional jobs.

(3) APPLICATION AND APPROVAL PROCESS.—

(a) To apply for certification as a qualified target industry business under this section, the business must file an application with the office before the business *decides* ~~has made the decision~~ to locate ~~a new business~~ in this state or before the business *decides* ~~had made the decision~~ to expand *its* ~~an~~ existing *operations* ~~business~~ in this state. The application shall include, but *need* ~~is~~ not *be* limited to, the following information:

1. The applicant's federal employer identification number and*, if applicable,* ~~the applicant's~~ state sales tax registration number.

2. The *proposed* permanent location of the applicant's facility in this state at which the project ~~is or~~ is to be located.

3. A description of the type of business activity or product covered by the project, including a minimum of a five-digit NAICS code for all activities included in the project. As used in this paragraph, "NAICS" means those classifications contained in the North American Industry Classification System, as published in 2007 by the Office of Management and Budget, Executive Office of the President *and updated periodically*.

4. The *proposed* number of net new full-time equivalent Florida jobs at the qualified target industry business as of December 31 of each year included in the project and the average wage of those jobs. If more than one type of business activity or product is included in the project, the number of jobs and average wage for those jobs must be separately stated for each type of business activity or product.

5. The total number of full-time equivalent employees employed by the applicant in this state*, if applicable*.

6. The anticipated commencement date of the project.

7. A brief statement *explaining* ~~concerning~~ the role that the *estimated* tax refunds *to be* requested will play in the decision of the applicant to locate or expand in this state.

8. An estimate of the proportion of the sales resulting from the project that will be made outside this state.

9. An estimate of the proportion of the cost of the machinery and equipment, and any other resources necessary in the development of its product or service, to be used by the business in its Florida operations which will be purchased outside this state.

10.~~9.~~ A resolution adopted by the governing board of the county or municipality in which the project will be located, which resolution recommends that *the project* ~~certain types of businesses~~ be approved as a qualified target industry business and *specifies* ~~states~~ that the commitments of local financial support necessary for the target industry business exist. *Before* ~~In advance of~~ the passage of such resolution, the office may also accept an official letter from an authorized local economic development agency that endorses the proposed target industry project and pledges that sources of local financial support for such project exist. For the purposes of making pledges of local financial support under this *subparagraph* ~~subsection~~, the authorized local economic development agency shall be officially designated by the passage of a one-time resolution by the local governing *board* ~~authority~~.

11.~~10.~~ Any additional information requested by the office.

(b) To qualify for review by the office, the application of a target industry business must, at a minimum, establish the following to the satisfaction of the office:

1.*a.* The jobs proposed to be *created* ~~provided~~ under the application, pursuant to subparagraph (a)4., must pay an estimated annual average wage equaling at least 115 percent of the average private sector wage in the area where the business is to be located or the statewide private sector average wage. *The governing board of the county where the qualified target industry business is to be located shall notify the office and Enterprise Florida, Inc., which calculation of the average private sector wage in the area must be used as the basis for the business' wage commitment.* In determining the average annual wage, the office shall include only new proposed jobs, and wages for existing jobs shall be excluded from this calculation.

b. The office may waive the average wage requirement at the request of the local governing body recommending the project and Enterprise Florida, Inc. *The office may waive* the wage requirement ~~may only be waived~~ for a project located in a brownfield area designated under s. 376.80*,* ~~or~~ in a rural city*, in a rural community,* ~~or county or~~ in an enterprise zone*, or for a manufacturing project at any location in the state if the jobs proposed to be created pay an estimated annual average wage equaling at least 100 percent of the average private sector wage in the area where the business is to be located,* ~~and~~ only *if* ~~when~~ the merits of the individual project or the specific circumstances in the community in relationship to the project warrant such action. If the local governing body and Enterprise Florida, Inc., make such a recommendation, it must be transmitted in writing*,* and the specific justification for the waiver recommendation must be explained. If the *office* ~~director~~ elects to waive the wage requirement, the waiver must be stated in writing*,* and the reasons for granting the waiver must be explained.

2. The target industry business's project must result in the creation of at least 10 jobs at *the* ~~such~~ project and, *in the case of* ~~if~~ an expansion of an existing business, must result in a net increase in employment of at least 10 percent at the business. ~~Notwithstanding the definition of the term "expansion of an existing business" in paragraph (1)(g),~~ At the request of the local governing body recommending the project and Enterprise Florida, Inc., the office may *waive this requirement for a business* ~~define an "expansion of an existing business"~~ in a rural community or ~~an~~ enterprise zone ~~as the expansion of a business resulting in a net increase in employment of less than 10 percent at such business~~ if the merits of the individual project or the specific circumstances in the community in relationship to the project warrant such action. If the local governing body and Enterprise Florida, Inc., make such a request, the request must be transmitted in writing*,* and the specific justification for the request must be explained. If the *office* ~~director~~ elects to grant the request, the grant must be stated in writing and the reason for granting the request must be explained.

3. The business activity or product for the applicant's project *must be* ~~is~~ within an industry ~~or industries that have been~~ identified by the office *as a target industry business* ~~to be high-value-added industries~~ that *contributes* ~~contribute to the area and~~ to the economic growth of the state and *the area in which the business is located,* that *produces* ~~produce~~ a higher standard of living for residents of this state in the new global economy*,* or that can be shown to make an equivalent contribution to the *area's* ~~area~~ and state's economic progress. ~~The director must approve requests to waive the wage requirement for brownfield areas designated under s. 376.80 unless it is demonstrated that such action is not in the public interest.~~

(8) EXPIRATION.—An applicant may not be certified as qualified under this section after June 30, *2020* ~~2010~~. A tax refund agreement existing on that date shall continue in effect in accordance with its terms.

Section 19. Paragraph (f) of subsection (1) and paragraph (d) of subsection (4) of section 288.107, Florida Statutes, are amended to read:

288.107 Brownfield redevelopment bonus refunds.—

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

(f) "Jobs" means full-time equivalent positions, *including, but not limited to, positions obtained from a temporary employment agency or employee leasing company or through a union agreement or coemployment under a professional employer organization agreement, that result* ~~as that term is consistent with terms used by the Agency for Workforce Innovation for the purpose of unemployment compensation tax, resulting~~ directly from a project in this state. The term does not include temporary construction jobs involved with the construction of facilities for the project and which are not associated with the implementation of the site rehabilitation as provided in s. 376.80.

(4) PAYMENT OF BROWNFIELD REDEVELOPMENT BONUS REFUNDS.—

(d) After entering into a tax refund agreement as provided in s. 288.106 or other similar agreement for other eligible businesses as defined in paragraph (1)(e), an eligible business may receive brownfield redevelopment bonus refunds from the account pursuant to s. 288.106(2)*(d)*~~(c)~~.

Section 20. Paragraphs (a) and (g) of subsection (2), paragraph (b) of subsection (3), and paragraph (a) of subsection (6) of section 288.108, Florida Statutes, are amended to read:

288.108 High-impact business.—

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

(a) "Eligible high-impact business" means a business in one of the high-impact sectors identified by Enterprise Florida, Inc., and certified by the Office of Tourism, Trade, and Economic Development as provided in subsection (5), which is making a cumulative investment in the state of at least *$50* ~~$100~~ million and creating at least *50* ~~100~~ new full-time equivalent jobs in the state or a research and development facility making a cumulative investment of at least *$25* ~~$75~~ million and creating at least *25* ~~75~~ new full-time equivalent jobs. Such investment and employment must be achieved in a period not to exceed 3 years after the date the business is certified as a qualified high-impact business.

(g) "Jobs" means full-time equivalent positions, *including, but not limited to, positions obtained from a temporary employment agency or employee leasing company or through a union agreement or coemploy-*

ment under a professional employer organization agreement, that result ~~as that term is consistent with terms used by the Agency for Workforce Innovation and the United States Department of Labor for purposes of unemployment compensation tax administration and employment estimation, resulting~~ directly from a project in this state. The term does not include temporary construction jobs involved in the construction of the project facility.

(3) HIGH-IMPACT SECTOR PERFORMANCE GRANTS; ELIGIBLE AMOUNTS.—

(b) The office may, in consultation with Enterprise Florida, Inc., negotiate qualified high-impact business performance grant awards for any single qualified high-impact business. In negotiating such awards, the office shall consider the following guidelines in conjunction with other relevant applicant impact and cost information and analysis as required in subsection (5). *A qualified high-impact business making a cumulative investment of $50 million and creating 50 jobs may be eligible for a total qualified high-impact business performance grant of $500,000 to $1 million.* A qualified high-impact business making a cumulative investment of $100 million and creating 100 jobs may be eligible for a total qualified high-impact business performance grant of $1 million to $2 million. A qualified high-impact business making a cumulative investment of $800 million and creating 800 jobs may be eligible for a qualified high-impact business performance grant of $10 million to $12 million. *A qualified high-impact business engaged in research and development making a cumulative investment of $25 million and creating 25 jobs may be eligible for a total qualified high-impact business performance grant of $700,000 to $1 million.* A qualified high-impact business~~,~~ engaged in research and development~~,~~ making a cumulative investment of $75 million, and creating 75 jobs may be eligible for a total qualified high-impact business performance grant of $2 million to $3 million. A qualified high-impact business~~,~~ engaged in research and development~~,~~ making a cumulative investment of $150 million, and creating 150 jobs may be eligible for a qualified high-impact business performance grant of $3.5 million to $4.5 million.

(6) SELECTION AND DESIGNATION OF HIGH-IMPACT SECTORS.—

(a) Enterprise Florida, Inc., shall, *by January 1, of every third year, beginning January 1, 2011,* ~~at its discretion,~~ initiate the process of *reviewing and, if appropriate,* selecting a new high-impact sector for designation or recommending the deactivation of a designated high-impact sector. *The process of reviewing designated high-impact sectors or recommending the deactivation of a designated high-impact sector shall be in consultation with the office, economic development organizations, the State University System, local governments, employee and employer organizations, market analysts, and economists.*

Section 21. Section 288.1083, Florida Statutes, is created to read:

288.1083 Manufacturing and Spaceport Investment Incentive Program.—

(1) The Manufacturing and Spaceport Investment Incentive Program is created within the Office of Tourism, Trade, and Economic Development. The purpose of the program is to encourage capital investment and job creation in manufacturing and spaceport activities in this state.

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

(a) "Base year purchases" means the total cost of eligible equipment purchased and placed into service in this state by an eligible entity in its tax year that began in 2008.

(b) "Department" means the Department of Revenue.

(c) "Eligible entity" means an entity that manufactures, processes, compounds, or produces items for sale of tangible personal property or engages in spaceport activities. The term also includes an entity that engages in phosphate or other solid minerals severance, mining, or processing operations. The term does not include electric utility companies, communications companies, oil or gas exploration or production operations, publishing firms that do not export at least 50 percent of their finished product out of the state, any firm subject to regulation by the Division of Hotels and Restaurants of the Department of Business and Professional Regulation, or any firm that does not manufacture, process, compound, or produce for sale items of tangible personal property or that does not use such machinery and equipment in spaceport activities.

(d) "Eligible equipment" means tangible personal property or other property that has a depreciable life of 3 years or more and that is used as an integral part in the manufacturing, processing, compounding, or production of tangible personal property for sale or is exclusively used in spaceport activities, and that is located and placed into service in this state. A building and its structural components are not eligible equipment unless the building or structural component is so closely related to the industrial machinery and equipment that it houses or supports that the building or structural component can be expected to be replaced when the machinery and equipment are replaced. Heating and air-conditioning systems are not eligible equipment unless the sole justification for their installation is to meet the requirements of the production process, even though the system may provide incidental comfort to employees or serve, to an insubstantial degree, nonproduction activities. The term includes parts and accessories only to the extent that the exemption of such parts and accessories is consistent with the provisions of this paragraph.

(e) "Eligible equipment purchases" means the cost of eligible equipment purchased and placed into service in this state in a given state fiscal year by an eligible entity in excess of the entity's base year purchases.

(f) "Office" means the Office of Tourism, Trade, and Economic Development.

(g) "Refund" means a payment to an eligible entity for the amount of state sales and use tax actually paid on eligible equipment purchases.

(3) Beginning July 1, 2010, and ending June 30, 2011, and beginning July 1, 2011, and ending June 30, 2012, sales and use tax paid in this state on eligible equipment purchases may qualify for a refund as provided in this section. The total amount of refunds that may be allocated by the office to all applicants during the period beginning July 1, 2010, and ending June 30, 2011, is $19 million. The total amount of tax refunds that may be allocated to all applicants during the period beginning July 1, 2011, and ending June 30, 2012, is $24 million. An applicant may not be allocated more than $50,000 in refunds under this section for a single year. Preliminary refund allocations that are revoked or voluntarily surrendered shall be immediately available for reallocation.

(4) To receive a refund, a business entity must first apply to the office for a tax refund allocation. The entity shall provide such information in the application as reasonably required by the office. Further, the business entity shall provide such information as is required by the office to establish the cost incurred and actual sales and use tax paid to purchase eligible equipment located and placed into service in this state during its taxable year that began in 2008.

(a) Within 30 days after the office receives an application for a refund, the office shall approve or disapprove the application.

(b) Refund allocations made during the 2010-2011 fiscal year shall be awarded in the same order in which applications are received. Eligible entities may apply to the office beginning July 1, 2010 for refunds attributable to eligible equipment purchases made during the 2010-2011 fiscal year. For the 2010-2011 fiscal year, the office shall allocate the maximum amount of $50,000 per entity until the entire $19 million available for refund in state fiscal year 2010-2011 has been allocated. If the total amount available for allocation during the 2010-2011 fiscal year is allocated, the office shall continue taking applications. Each applicant shall be informed of its place in the queue and whether the applicant received an allocation of the eligible funds.

(c) Refund allocations made during the 2011-2012 fiscal year shall first be given to any applicants remaining in the queue from the prior fiscal year. The office shall allocate the maximum amount of $50,000 per entity, first to those applicants that remained in the queue from 2010-2011 for eligible purchases in 2010-2011, then to applicants for 2011-2012 in the order applications are received for eligible purchases in 2011-2012. The office shall allocate the maximum amount of $50,000 per entity until the entire $24 million available to be allocated for refund in the 2011-2012 fiscal year is allocated. If the total amount available for refund in 2011-2012 has been allocated, the office shall continue to accept applications from eligible entities in the 2011-2012 fiscal year for refunds attributable to eligible equipment purchases made during the 2011-2012 fiscal year. Refund allocations made during the 2011-2012 fiscal year

shall be awarded in the same order in which applications are received. Upon submitting an application, each applicant shall be informed of its place in the queue and whether the applicant has received an allocation of the eligible funds.

(5) Upon completion of eligible equipment purchases, a business entity that received a refund allocation from the office must apply to the office for certification of a refund. For eligible equipment purchases made during the 2010-2011 fiscal year, the application for certification must be made no later than September 1, 2011. For eligible equipment purchases made during the 2011-2012 fiscal year, the application for certification must be made no later than September 1, 2012. The application shall provide such documentation as is reasonably required by the office to calculate the refund amount including documentation necessary to confirm the cost of eligible equipment purchases supporting the claim of the sales and use tax paid thereon. Further, the business entity shall provide such documentation as required by the office to establish the entity's base year purchases. If, upon reviewing the application, the office determines that eligible equipment purchases did not occur, that the amount of tax claimed to have been paid or remitted on the eligible equipment purchases is not supported by the documentation provided, or that the information provided to the office was otherwise inaccurate, the amount of the refund allocation not substantiated shall not be certified. Otherwise, the office shall determine and certify the amount of the refund to the eligible entity and to the department within 30 days after the office receives the application for certification.

(6) Upon certification of a refund for an eligible entity, the entity shall apply to the department within 30 days for payment of the certified amount as a refund on a form prescribed by the department. The department may request documentation in support of the application and adopt emergency rules to administer the refund application process.

(7) For each of the 2010-2011 and 2011-2012 fiscal years, if the amount certified is less than the amount allocated, additional applicants shall be eligible to receive refund allocations in the order that applications are received for that year.

(8) An entity may receive refunds in each of the two years but only to the extent that the entity has eligible equipment purchases in each year. In no event may refunds for eligible equipment purchases made during 2010-11 result in more than $50,000 of refunds per entity.

(9) The office shall adopt emergency rules governing applications for, issuance of, and procedures for allocation and certification and may establish guidelines as to the requisites for an demonstrating base year purchases and eligible equipment purchases.

(10) This section is repealed July 1, 2013.

Section 22. Subsection (3) of section 288.1088, Florida Statutes, is amended, and subsections (4) and (5) are added to that section, to read:

288.1088 Quick Action Closing Fund.—

(3)(a) Enterprise Florida, Inc., shall review applications pursuant to s. 288.061 and determine *the* eligibility of each project consistent with the criteria in subsection (2). Enterprise Florida, Inc., in consultation with the Office of Tourism, Trade, and Economic Development, may waive these criteria based on extraordinary circumstances or in rural areas of critical economic concern if the project would significantly benefit the local or regional economy.

(b) Enterprise Florida, Inc., shall evaluate individual proposals for high-impact business facilities and forward recommendations regarding the use of moneys in the fund for such facilities to the director of the Office of Tourism, Trade, and Economic Development. Such evaluation and recommendation must include, but need not be limited to:

1. A description of the type of facility or infrastructure, its operations, and the associated product or service associated with the facility.

2. The number of full-time-equivalent jobs that will be created by the facility and the total estimated average annual wages of those jobs or, in the case of privately developed rural infrastructure, the types of business activities and jobs stimulated by the investment.

3. The cumulative amount of investment to be dedicated to the facility within a specified period.

4. A statement of any special impacts the facility is expected to stimulate in a particular business sector in the state or regional economy or in the state's universities and community colleges.

5. A statement of the role the incentive is expected to play in the decision of the applicant business to locate or expand in this state or for the private investor to provide critical rural infrastructure.

6. A report evaluating the quality and value of the company submitting a proposal. The report must include:

a. A financial analysis of the company, including an evaluation of the company's short-term liquidity ratio as measured by its assets to liability, the company's profitability ratio, and the company's long-term solvency as measured by its debt-to-equity ratio;

b. The historical market performance of the company;

c. A review of any independent evaluations of the company;

d. A review of the latest audit of the company's financial statement and the related auditor's management letter; and

e. A review of any other types of audits that are related to the internal and management controls of the company.

(c)~~(b)~~ Within 22 calendar days after receiving the evaluation and recommendation from Enterprise Florida, Inc., the director *of the Office of Tourism, Trade, and Economic Development* shall recommend to the Governor approval or disapproval of a project for receipt of funds from the Quick Action Closing Fund. In recommending a project, the director shall include proposed performance conditions that the project must meet to obtain incentive funds. The Governor shall provide the evaluation of projects recommended for approval to the President of the Senate and the Speaker of the House of Representatives and consult with the President of the Senate and the Speaker of the House of Representatives before giving final approval for a project. *At least 14 days before releasing funds for a project,* the Executive Office of the Governor shall recommend approval of *the* ~~a~~ project and the release of funds *by delivering notice of such action* pursuant to the legislative consultation and review requirements set forth in s. 216.177. The recommendation must include proposed performance conditions that the project must meet in order to obtain funds. *If the chair or vice-chair of the Legislative Budget Commission or the President of the Senate or the Speaker of the House of Representatives timely advises the Executive Office of the Governor, in writing, that such action or proposed action exceeds the delegated authority of the Executive Office of the Governor or is contrary to legislative policy or intent, the Executive Office of the Governor shall void the release of funds and instruct the Office of Tourism, Trade, and Economic Development to immediately change such action or proposed action until the Legislative Budget Commission or the Legislature addresses the issue. Notwithstanding such requirement, any project exceeding $2,000,000 must be approved by the Legislative Budget Commission prior to the funds being released.*

(d)~~(c)~~ Upon the approval of the Governor, the director of the Office of Tourism, Trade, and Economic Development and the business shall enter into a contract that sets forth the conditions for payment of moneys from the fund. The contract must include the total amount of funds awarded; the performance conditions that must be met to obtain the award, including, but not limited to, net new employment in the state, average salary, and total capital investment; demonstrate a baseline of current service and a measure of enhanced capability; the methodology for validating performance; the schedule of payments from the fund; and sanctions for failure to meet performance conditions. The contract must provide that payment of moneys from the fund is contingent upon sufficient appropriation of funds by the Legislature ~~and upon sufficient release of appropriated funds by the Legislative Budget Commission~~.

(e)~~(d)~~ Enterprise Florida, Inc., shall validate contractor performance. Such validation shall be reported within 6 months after completion of the contract to the Governor, President of the Senate, and the Speaker of the House of Representatives.

(4)(a) A Quick Action Closing Fund business that, pursuant to its contract, submits reports to the Office of Tourism, Trade, and Economic Development on or after January 1, 2010, but no later than June 30, 2011, on the status of the business's compliance with the performance

conditions of its contract may submit a written request to the Office of Tourism, Trade, and Economic Development for renegotiation of the contract. The request must provide quantitative evidence demonstrating how the business has materially complied with the terms of the contract or how negative economic conditions in the business's industry have prevented the business from complying with the terms and conditions of the contract. The request must also include proposed adjusted performance conditions.

(b) Within 45 days after receiving a Quick Action Closing Fund business's request to renegotiate its contract, the director of the Office of Tourism, Trade, and Economic Development must provide written notice to the business of whether the request for renegotiation is granted or denied. In making such a determination, the director shall consider the extent to which the business materially complied with the terms of the contract, the extent to which negative economic conditions in the business's industry occurred in the state, the proposed adjusted performance conditions, and the business's efforts to comply with the contract.

(c) Under no circumstances is the director of the Office of Tourism, Trade, and Economic Development required or obligated to grant a business' request to renegotiate its agreement.

(d) Upon granting a business's request to renegotiate, the Office of Tourism, Trade, and Economic Development, together with Enterprise Florida, Inc., shall determine the economic impact of the adjusted performance conditions and notify the business of any waiver of specified performance conditions and any adjusted award amount associated with the proposed adjusted performance conditions. The Quick Action Closing Fund business must renegotiate its contract with the Office of Tourism, Trade, and Economic Development in accordance with any waiver granted or for the adjusted amount and agree to return the difference between the original Quick Action Closing Fund award and the adjusted award without interest or penalties. When renegotiating a contract with a Quick Action Closing Fund business, the Office of Tourism, Trade, and Economic Development may extend the duration of the contract for a period not to exceed 2 years. The Office of Tourism, Trade, and Economic Development shall notify the President of the Senate and the Speaker of the House of Representatives upon completion of any contract renegotiation. Any funds returned pursuant to this paragraph shall be reappropriated to the Office of Tourism, Trade, and Economic Development for the Quick Action Closing Fund.

(e) This subsection expires June 30, 2011.

(5) Funds appropriated by the Legislature for purposes of implementing this section shall be placed in reserve and may only be released pursuant to the legislative consultation and review requirements set forth in this section.

Section 23. Paragraph (k) of subsection (2) of section 288.1089, Florida Statutes, is amended to read:

288.1089 Innovation Incentive Program.—

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

(k) "Jobs" means full-time equivalent positions, *including, but not limited to, positions obtained from a temporary employment agency or employee leasing company or through a union agreement or coemployment under a professional employer organization agreement, that result* ~~as that term is consistent with terms used by the Agency for Workforce Innovation and the United States Department of Labor for purposes of unemployment compensation tax administration and employment estimation, resulting~~ directly from a project in this state. The term does not include temporary construction jobs.

Section 24. Effective July 1, 2010, section 288.125, Florida Statutes, is amended to read:

288.125 Definition of "entertainment industry".—For the purposes of ss. 288.1251-288.1258, the term "entertainment industry" means those persons or entities engaged in the operation of motion picture or television studios or recording studios; those persons or entities engaged in the preproduction, production, or postproduction of motion pictures, made-for-television movies, television programming, *digital media projects,* commercial advertising, music videos, or sound recordings; and those persons or entities providing products or services directly related to the preproduction, production, or postproduction of motion pictures, made-for-television movies, television programming, *digital media projects,* commercial advertising, music videos, or sound recordings, including, but not limited to, the broadcast industry.

Section 25. Effective July 1, 2010, paragraph (b) of subsection (1) and paragraph (a) of subsection (2) of section 288.1251, Florida Statutes, are amended to read:

288.1251 Promotion and development of entertainment industry; Office of Film and Entertainment; creation; purpose; powers and duties.—

(1) CREATION.—

(b) The Office of Tourism, Trade, and Economic Development shall conduct a national search for a qualified person to fill the position of Commissioner of Film and Entertainment, *when the position is vacant.* ~~and~~ The Executive Director of the Office of Tourism, Trade, and Economic Development *has the responsibility to* ~~shall~~ hire the commissioner ~~of Film and Entertainment~~. *Qualifications for the commissioner* ~~Guidelines for selection of the Commissioner of Film and Entertainment shall~~ include, but *are* not ~~be~~ limited to, ~~the Commissioner of Film and Entertainment having~~ the following:

1. A working knowledge of the equipment, personnel, financial, and day-to-day production operations of the industries to be served by the Office *of Film and Entertainment*;

2. Marketing and promotion experience related to the *film and entertainment* industries to be served ~~by the office~~;

3. Experience working with a variety of individuals representing large and small entertainment-related businesses, industry associations, local community entertainment industry liaisons, and labor organizations; and

4. Experience working with a variety of state and local governmental agencies.

(2) POWERS AND DUTIES.—

(a) The Office of Film and Entertainment, in performance of its duties, shall:

1. In consultation with the Florida Film and Entertainment Advisory Council, *update the* ~~develop and implement a 5-year~~ strategic plan *every 5 years* to guide the activities of the Office of Film and Entertainment in the areas of entertainment industry development, marketing, promotion, liaison services, field office administration, and information. The plan~~, to be developed by no later than June 30, 2000,~~ shall:

a. Be annual in construction and ongoing in nature.

b. Include recommendations relating to the organizational structure of the office.

c. Include an annual budget projection for the office for each year of the plan.

d. Include an operational model for the office to use in implementing programs for rural and urban areas designed to:

(I) Develop and promote the state's entertainment industry.

(II) Have the office serve as a liaison between the entertainment industry and other state and local governmental agencies, local film commissions, and labor organizations.

(III) Gather statistical information related to the state's entertainment industry.

(IV) Provide information and service to businesses, communities, organizations, and individuals engaged in entertainment industry activities.

(V) Administer field offices outside the state and coordinate with regional offices maintained by counties and regions of the state, as described in sub-sub-subparagraph (II), as necessary.

e. Include performance standards and measurable outcomes for the programs to be implemented by the office.

f. Include an assessment of, and make recommendations on, the feasibility of creating an alternative public-private partnership for the purpose of contracting with such a partnership for the administration of the state's entertainment industry promotion, development, marketing, and service programs.

2. Develop, market, and facilitate a ~~smooth~~ working relationship between state agencies and local governments in cooperation with local film commission offices for out-of-state and indigenous entertainment industry production entities.

3. Implement a structured methodology prescribed for coordinating activities of local offices with each other and the commissioner's office.

4. Represent the state's indigenous entertainment industry to key decisionmakers within the national and international entertainment industry, and to state and local officials.

5. Prepare an inventory and analysis of the state's entertainment industry, including, but not limited to, information on crew, related businesses, support services, job creation, talent, and economic impact and coordinate with local offices to develop an information tool for common use.

~~6. Represent key decisionmakers within the national and international entertainment industry to the indigenous entertainment industry and to state and local officials.~~

~~7. Serve as liaison between entertainment industry producers and labor organizations.~~

6.~~8.~~ Identify, solicit, and recruit entertainment production opportunities for the state.

7.~~9.~~ Assist rural communities and other small communities in the state in developing the expertise and capacity necessary for such communities to develop, market, promote, and provide services to the state's entertainment industry.

Section 26. Effective July 1, 2010, subsection (3) of section 288.1252, Florida Statutes, is amended to read:

288.1252 Florida Film and Entertainment Advisory Council; creation; purpose; membership; powers and duties.—

(3) MEMBERSHIP.—

(a) The council shall consist of 17 members, seven to be appointed by the Governor, five to be appointed by the President of the Senate, and five to be appointed by the Speaker of the House of Representatives~~, with the initial appointments being made no later than August 1, 1999~~.

(b) When making appointments to the council, the Governor, the President of the Senate, and the Speaker of the House of Representatives shall appoint persons who are residents of the state and who are highly knowledgeable of, active in, and recognized leaders in Florida's motion picture, television, video, sound recording, or other entertainment industries. These persons shall include, but not be limited to, representatives of local film commissions, representatives of entertainment associations, a representative of the broadcast industry, representatives of labor organizations in the entertainment industry, and board chairs, presidents, chief executive officers, chief operating officers, or persons of comparable executive position or stature of leading or otherwise important entertainment industry businesses and offices. Council members shall be appointed in such a manner as to equitably represent the broadest spectrum of the entertainment industry and geographic areas of the state.

(c) Council members shall serve for 4-year terms~~, except that the initial terms shall be staggered:~~

~~1. The Governor shall appoint one member for a 1-year term, two members for 2-year terms, two members for 3-year terms, and two members for 4-year terms.~~

~~2. The President of the Senate shall appoint one member for a 1-year term, one member for a 2-year term, two members for 3-year terms, and one member for a 4-year term.~~

~~3. The Speaker of the House of Representatives shall appoint one member for a 1-year term, one member for a 2-year term, two members for 3-year terms, and one member for a 4-year term~~.

(d) Subsequent appointments shall be made by the official who appointed the council member whose expired term is to be filled.

(e) ~~The Commissioner of Film and Entertainment,~~ A representative of Enterprise Florida, Inc., a representative of Workforce Florida, Inc., and a representative of *Visit Florida* ~~the Florida Tourism Industry Marketing Corporation~~ shall serve as ex officio, nonvoting members of the council, and shall be in addition to the 17 appointed members of the council.

(f) Absence from three consecutive meetings shall result in automatic removal from the council.

(g) A vacancy on the council shall be filled for the remainder of the unexpired term by the official who appointed the vacating member.

(h) No more than one member of the council may be an employee of any one company, organization, or association.

(i) Any member shall be eligible for reappointment but may not serve more than two consecutive terms.

Section 27. Effective July 1, 2010, subsections (1), (2), and (5) of section 288.1253, Florida Statutes, are amended to read:

288.1253 Travel and entertainment expenses.—

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

~~(a) "Business client" means any person, other than a state official or state employee, who receives the services of representatives of the Office of Film and Entertainment in connection with the performance of its statutory duties, including persons or representatives of entertainment industry companies considering location, relocation, or expansion of an entertainment industry business within the state.~~

~~(b) "Entertainment expenses" means the actual, necessary, and reasonable costs of providing hospitality for business clients or guests, which costs are defined and prescribed by rules adopted by the Office of Tourism, Trade, and Economic Development, subject to approval by the Chief Financial Officer.~~

~~(c) "Guest" means a person, other than a state official or state employee, authorized by the Office of Tourism, Trade, and Economic Development to receive the hospitality of the Office of Film and Entertainment in connection with the performance of its statutory duties.~~

~~(d)~~ "travel expenses" means the actual, necessary, and reasonable costs of transportation, meals, lodging, and incidental expenses normally incurred by *an employee of the Office of Film and Entertainment* ~~a traveler~~, which costs are defined and prescribed by rules adopted by the Office of Tourism, Trade, and Economic Development, subject to approval by the Chief Financial Officer.

(2) Notwithstanding the provisions of s. 112.061, the Office of Tourism, Trade, and Economic Development shall adopt rules by which it may make expenditures by ~~advancement or~~ reimbursement~~, or a combination thereof,~~ to:

~~(a)~~ the Governor, the Lieutenant Governor, security staff of the Governor or Lieutenant Governor, the Commissioner of Film and Entertainment, or staff of the Office of Film and Entertainment for travel expenses or entertainment expenses incurred by such individuals solely and exclusively in connection with the performance of the statutory duties of the Office of Film and Entertainment.

~~(b) The Governor, the Lieutenant Governor, security staff of the Governor or Lieutenant Governor, the Commissioner of Film and Entertainment, or staff of the Office of Film and Entertainment for travel expenses or entertainment expenses incurred by such individuals on behalf of guests, business clients, or authorized persons as defined in s.~~

~~112.061(2)(c) solely and exclusively in connection with the performance of the statutory duties of the Office of Film and Entertainment.~~

~~(c) Third party vendors for the travel or entertainment expenses of guests, business clients, or authorized persons as defined in s. 112.061(2)(c) incurred solely and exclusively while such persons are participating in activities or events carried out by the Office of Film and Entertainment in connection with that office's statutory duties.~~

The rules *are* ~~shall be~~ subject to approval by the Chief Financial Officer *before adoption* ~~prior to promulgation~~. The rules shall require the submission of paid receipts, or other proof of expenditure prescribed by the Chief Financial Officer, with any claim for reimbursement ~~and shall require, as a condition for any advancement of funds, an agreement to submit paid receipts or other proof of expenditure and to refund any unused portion of the advancement within 15 days after the expense is incurred or, if the advancement is made in connection with travel, within 10 working days after the traveler's return to headquarters. However, with respect to an advancement of funds made solely for travel expenses, the rules may allow paid receipts or other proof of expenditure to be submitted, and any unused portion of the advancement to be refunded, within 10 working days after the traveler's return to headquarters. Operational or promotional advancements, as defined in s. 288.35(4), obtained pursuant to this section shall not be commingled with any other state funds.~~

(5) Any claim submitted under this section *is* ~~shall~~ not ~~be~~ required to be sworn to before a notary public or other officer authorized to administer oaths, but any claim authorized or required to be made under any provision of this section shall contain a statement that the expenses were actually incurred as necessary travel or entertainment expenses in the performance of official duties of the Office of Film and Entertainment and shall be verified by written declaration that it is true and correct as to every material matter. Any person who willfully makes and subscribes to any claim which he or she does not believe to be true and correct as to every material matter or who willfully aids or assists in, procures, or counsels or advises with respect to, the preparation or presentation of a claim pursuant to this section that is fraudulent or false as to any material matter, whether ~~or not~~ such falsity or fraud is with the knowledge or consent of the person authorized or required to present the claim, commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. Whoever receives *a* ~~an advancement or~~ reimbursement by means of a false claim is civilly liable, in the amount of the overpayment, for the reimbursement of the public fund from which the claim was paid.

Section 28. Effective July 1, 2010, section 288.1254, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 288.1254, F.S., for present text.)

288.1254 Entertainment industry financial incentive program.—

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

(a) "Certified production" means a qualified production that has tax credits allocated to it by the Office of Tourism, Trade, and Economic Development based on the production's estimated qualified expenditures, up to the production's maximum certified amount of tax credits, by the Office of Tourism, Trade, and Economic Development. The term does not include a production if its first day of principal photography or project start date in this state occurs before the production is certified by the Office of Tourism, Trade, and Economic Development, unless the production spans more than one fiscal year, was a certified production on its first day of principal photography or project start date in this state, and submits an application for continuing the same production for the subsequent fiscal year.

(b) "Digital media project" means a production of interactive entertainment that is produced for distribution in commercial or educational markets. The term includes a video game or production intended for Internet or wireless distribution. The term does not include a production deemed by the Office of Film and Entertainment to contain obscene content as defined in s. 847.001(10).

(c) "High-impact television series" means a production created to run multiple production seasons and having an estimated order of at least seven episodes per season and qualified expenditures of at least $625,000 per episode.

(d) "Off-season certified production" means a feature film, independent film, or television series or pilot which films 75 percent or more of its principal photography days from June 1 through November 30.

(e) "Principal photography" means the filming of major or significant components of the qualified production which involve lead actors.

(f) "Production" means a theatrical or direct-to-video motion picture; a made-for-television motion picture; visual effects or digital animation sequences produced in conjunction with a motion picture; a commercial; a music video; an industrial or educational film; an infomercial; a documentary film; a television pilot program; a presentation for a television pilot program; a television series, including, but not limited to, a drama, a reality show, a comedy, a soap opera, a telenovela, a game show, an awards show, or a miniseries production; or a digital media project by the entertainment industry. One season of a television series is considered one production. The term does not include a weather or market program; a sporting event; a sports show; a gala; a production that solicits funds; a home shopping program; a political program; a political documentary; political advertising; a gambling-related project or production; a concert production; or a local, regional, or Internet-distributed-only news show, current-events show, pornographic production, or current-affairs show. A production may be produced on or by film, tape, or otherwise by means of a motion picture camera; electronic camera or device; tape device; computer; any combination of the foregoing; or any other means, method, or device.

(g) "Production expenditures" means the costs of tangible and intangible property used for, and services performed primarily and customarily in, production, including preproduction and postproduction, but excluding costs for development, marketing, and distribution. The term includes, but is not limited to:

1. Wages, salaries, or other compensation paid to legal residents of this state, including amounts paid through payroll service companies, for technical and production crews, directors, producers, and performers.

2. Net expenditures for sound stages, backlots, production editing, digital effects, sound recordings, sets, and set construction.

3. Net expenditures for rental equipment, including, but not limited to, cameras and grip or electrical equipment.

4. Up to $300,000 of the costs of newly purchased computer software and hardware unique to the project, including servers, data processing, and visualization technologies, which are located in and used exclusively in the state for the production of digital media.

5. Expenditures for meals, travel, and accommodations. For purposes of this paragraph, the term "net expenditures" means the actual amount of money a qualified production spent for equipment or other tangible personal property, after subtracting any consideration received for reselling or transferring the item after the qualified production ends, if applicable.

(h) "Qualified expenditures" means production expenditures incurred in this state by a qualified production for:

1. Goods purchased or leased from, or services, including, but not limited to, insurance costs and bonding, payroll services, and legal fees, which are provided by, a vendor or supplier in this state that is registered with the Department of State or the Department of Revenue, has a physical location in this state, and employs one or more legal residents of this state. When services are provided by the vendor or supplier include personal services or labor, only personal services or labor provided by residents of this state, evidenced by the required documentation of residency in this state, qualify.

2. Payments to legal residents of this state in the form of salary, wages, or other compensation up to a maximum of $400,000 per resident unless otherwise specified in subsection (4). A completed declaration of residency in this state must accompany the documentation submitted to the office for reimbursement.

For a qualified production involving an event, such as an awards show, the term does not include expenditures solely associated with the event

itself and not directly required by the production. The term does not include expenditures incurred before certification, with the exception of those incurred for a commercial, a music video, or the pickup of additional episodes of a high-impact television series within a single season. Under no circumstances may the qualified production include in the calculation for qualified expenditures the original purchase price for equipment or other tangible property that is later sold or transferred by the qualified production for consideration. In such cases, the qualified expenditure is the net of the original purchase price minus the consideration received upon sale or transfer.

(i) "Qualified production" means a production in this state meeting the requirements of this section. The term does not include a production:

1. In which, for the first 2 years of the incentive program, less than 50 percent, and thereafter, less than 60 percent, of the positions that make up its production cast and below-the-line production crew, or, in the case of digital media projects, less than 75 percent of such positions, are filled by legal residents of this state, whose residency is demonstrated by a valid Florida driver's license or other state-issued identification confirming residency, or students enrolled full-time in a film-and-entertainment-related course of study at an institution of higher education in this state; or

2. That is deemed by the Office of Film and Entertainment to contain obscene content as defined in s. 847.001(10).

(j) "Qualified production company" means a corporation, limited liability company, partnership, or other legal entity engaged in one or more productions in this state.

(2) CREATION AND PURPOSE OF PROGRAM.—The entertainment industry financial incentive program is created within the Office of Film and Entertainment. The purpose of this program is to encourage the use of this state as a site for filming, for the digital production of films, and to develop and sustain the workforce and infrastructure for film, digital media, and entertainment production.

(3) APPLICATION PROCEDURE; APPROVAL PROCESS.—

(a) Program application.—A qualified production company producing a qualified production in this state may submit a program application to the Office of Film and Entertainment for the purpose of determining qualification for an award of tax credits authorized by this section no earlier than 180 days before the first day of principal photography or project start date in this state. The applicant shall provide the Office of Film and Entertainment with information required to determine whether the production is a qualified production and to determine the qualified expenditures and other information necessary for the office to determine eligibility for the tax credit.

(b) Required documentation.—The Office of Film and Entertainment shall develop an application form for qualifying an applicant as a qualified production. The form must include, but need not be limited to, production-related information concerning employment of residents in this state, a detailed budget of planned qualified expenditures, and the applicant's signed affirmation that the information on the form has been verified and is correct. The Office of Film and Entertainment and local film commissions shall distribute the form.

(c) Application process.—The Office of Film and Entertainment shall establish a process by which an application is accepted and reviewed and by which tax credit eligibility and award amount are determined. The Office of Film and Entertainment may request assistance from a duly appointed local film commission in determining compliance with this section.

(d) Certification.—The Office of Film and Entertainment shall review the application within 15 business days after receipt. Upon its determination that the application contains all the information required by this subsection and meets the criteria set out in this section, the Office of Film and Entertainment shall qualify the applicant and recommend to the Office of Tourism, Trade, and Economic Development that the applicant be certified for the maximum tax credit award amount. Within 5 business days after receipt of the recommendation, the Office of Tourism, Trade, and Economic Development shall reject the recommendation or certify the maximum recommended tax credit award, if any, to the applicant and to the executive director of the Department of Revenue.

(e) Grounds for denial.—The Office of Film and Entertainment shall deny an application if it determines that the application is not complete or the production or application does not meet the requirements of this section.

(f) Verification of actual qualified expenditures.—

1. The Office of Film and Entertainment shall develop a process to verify the actual qualified expenditures of a certified production. The process must require:

a. A certified production to submit, in a timely manner after production ends in this state and after making all of its qualified expenditures in this state, data substantiating each qualified expenditure, including documentation on the net expenditure on equipment and other tangible personal property by the qualified production, to an independent certified public accountant licensed in this state;

b. Such accountant to conduct a compliance audit, at the certified production's expense, to substantiate each qualified expenditure and submit the results as a report, along with the required substantiating data, to the Office of Film and Entertainment; and

c. The Office of Film and Entertainment to review the accountant's submittal and report to the Office of Tourism, Trade, and Economic Development the final verified amount of actual qualified expenditures made by the certified production.

2. The Office of Tourism, Trade, and Economic Development shall determine and approve the final tax credit award amount to each certified applicant based on the final verified amount of actual qualified expenditures and shall notify the executive director of the Department of Revenue in writing that the certified production has met the requirements of the incentive program and of the final amount of the tax credit award. The final tax credit award amount may not exceed the maximum tax credit award amount certified under paragraph (d).

(g) Promoting Florida.—The Office of Film and Entertainment shall ensure that, as a condition of receiving a tax credit under this section, marketing materials promoting this state as a tourist destination or film and entertainment production destination are included, when appropriate, at no cost to the state, which must, at a minimum, include placement of a "Filmed in Florida" or "Produced in Florida" logo in the end credits. The placement of a "Filmed in Florida" or "Produced in Florida" logo on all packaging material and hard media is also required, unless such placement is prohibited by licensing or other contractual obligations. The size and placement of such logo shall be commensurate to other logos used. If no logos are used, the statement "Filmed in Florida using Florida's Entertainment Industry Financial Incentive," or a similar statement approved by the Office of Film and Entertainment, shall be used. The Office of Film and Entertainment shall provide a logo and supply it for the purposes specified in this paragraph. A 30-second "Visit Florida" promotional video must also be included on all optical disc formats of a film, unless such placement is prohibited by licensing or other contractual obligations. The 30-second promotional video shall be approved and provided by the Florida Tourism Industry Marketing Corporation in consultation with the Commissioner of Film and Entertainment.

(4) TAX CREDIT ELIGIBILITY; TAX CREDIT AWARDS; QUEUES; ELECTION AND DISTRIBUTION; CARRYFORWARD; CONSOLIDATED RETURNS; PARTNERSHIP AND NON-CORPORATE DISTRIBUTIONS; MERGERS AND ACQUISITIONS.—

(a) Priority for tax credit award.—The priority of a qualified production for tax credit awards must be determined on a first-come, first-served basis within its appropriate queue. Each qualified production must be placed into the appropriate queue and is subject to the requirements of that queue.

(b) Tax credit eligibility.—

1. General production queue.—Ninety-four percent of tax credits authorized pursuant to subsection (6) in any state fiscal year must be dedicated to the general production queue. The general production queue consists of all qualified productions other than those eligible for the commercial and music video queue or the independent and emerging media production queue. A qualified production that demonstrates a minimum of $625,000 in qualified expenditures is eligible for tax credits

equal to 20 percent of its actual qualified expenditures, up to a maximum of $8 million. A qualified production that incurs qualified expenditures during multiple state fiscal years may combine those expenditures to satisfy the $625,000 minimum threshold.

a. An off-season certified production that is a feature film, independent film, or television series or pilot is eligible for an additional 5-percent tax credit on actual qualified expenditures. An off-season certified production that does not complete 75 percent of principal photography due to a disruption caused by a hurricane or tropical storm may not be disqualified from eligibility for the additional 5-percent credit as a result of the disruption.

b. A qualified high-impact television series shall be allowed first position in this queue for tax credit awards not yet certified.

2. Commercial and music video queue.—Three percent of tax credits authorized pursuant to subsection (6) in any state fiscal year must be dedicated to the commercial and music video queue. A qualified production company that produces national or regional commercials or music videos may be eligible for a tax credit award if it demonstrates a minimum of $100,000 in qualified expenditures per national or regional commercial or music video and exceeds a combined threshold of $500,000 after combining actual qualified expenditures from qualified commercials and music videos during a single state fiscal year. After a qualified production company that produces commercials, music videos, or both reaches the threshold of $500,000, it is eligible to apply for certification for a tax credit award. The maximum credit award shall be equal to 20 percent of its actual qualified expenditures up to a maximum of $500,000. If there is a surplus at the end of a fiscal year after the Office of Film and Entertainment certifies and determines the tax credits for all qualified commercial and video projects, such surplus tax credits shall be carried forward to the following fiscal year and be available to any eligible qualified productions under the general production queue.

3. Independent and emerging media production queue.—Three percent of tax credits authorized pursuant to subsection (6) in any state fiscal year must be dedicated to the independent and emerging media production queue. This queue is intended to encourage Florida independent film and emerging media production. Any qualified production, excluding commercials, infomercials, or music videos, that demonstrates at least $100,000, but not more than $625,000, in total qualified expenditures is eligible for tax credits equal to 20 percent of its actual qualified expenditures. If a surplus exists at the end of a fiscal year after the Office of Film and Entertainment certifies and determines the tax credits for all qualified independent and emerging media production projects, such surplus tax credits shall be carried forward to the following fiscal year and be available to any eligible qualified productions under the general production queue.

4. Family-friendly productions.—A certified theatrical or direct-to-video motion picture production or video game determined by the Commissioner of Film and Entertainment, with the advice of the Florida Film and Entertainment Advisory Council, to be family-friendly, based on the review of the script and the review of the final release version, is eligible for an additional tax credit equal to 5 percent of its actual qualified expenditures. Family-friendly productions are those that have cross-generational appeal; would be considered suitable for viewing by children age 5 or older; are appropriate in theme, content, and language for a broad family audience; embody a responsible resolution of issues; and do not exhibit or imply any act of smoking, sex, nudity, or vulgar or profane language.

(c) Withdrawal of tax credit eligibility.—A qualified or certified production must continue on a reasonable schedule, which includes beginning principal photography or the production project in this state no more than 45 calendar days before or after the principal photography or project start date provided in the production's program application. The Office of Tourism, Trade, and Economic Development shall withdraw the eligibility of a qualified or certified production that does not continue on a reasonable schedule.

(d) Election and distribution of tax credits.—

1. A certified production company receiving a tax credit award under this section shall, at the time the credit is awarded by the Office of Tourism, Trade, and Economic Development after production is completed and all requirements to receive a credit award have been met, make an irrevocable election to apply the credit against taxes due under chapter 220, against state taxes collected or accrued under chapter 212, or against a stated combination of the two taxes. The election is binding upon any distributee, successor, transferee, or purchaser. The Office of Tourism, Trade, and Economic Development shall notify the Department of Revenue of any election made pursuant to this paragraph.

2. A qualified production company is eligible for tax credits against its sales and use tax liabilities and corporate income tax liabilities as provided in this section. However, tax credits awarded under this section may not be claimed against sales and use tax liabilities or corporate income tax liabilities for any tax period beginning before July 1, 2011, regardless of when the credits are applied for or awarded.

(e) Tax credit carryforward.—If the certified production company cannot use the entire tax credit in the taxable year or reporting period in which the credit is awarded, any excess amount may be carried forward to a succeeding taxable year or reporting period. A tax credit applied against taxes imposed under chapter 212 may be carried forward for a maximum of 5 years after the date the credit is awarded. A tax credit applied against taxes imposed under chapter 220 may be carried forward for a maximum of 5 years after the date the credit is awarded, after which the credit expires and may not be used.

(f) Consolidated returns.—A certified production company that files a Florida consolidated return as a member of an affiliated group under s. 220.131(1) may be allowed the credit on a consolidated return basis up to the amount of the tax imposed upon the consolidated group under chapter 220.

(g) Partnership and noncorporate distributions.—A qualified production company that is not a corporation as defined in s. 220.03 may elect to distribute tax credits awarded under this section to its partners or members in proportion to their respective distributive income or loss in the taxable year in which the tax credits were awarded.

(h) Mergers or acquisitions.—Tax credits available under this section to a certified production company may succeed to a surviving or acquiring entity subject to the same conditions and limitations as described in this section; however, they may not be transferred again by the surviving or acquiring entity.

(5) TRANSFER OF TAX CREDITS.—

(a) Authorization.—Upon application to the Office of Film and Entertainment and approval by the Office of Tourism, Trade, and Economic Development, a certified production company, or a partner or member that has received a distribution under paragraph (4)(g), may elect to transfer, in whole or in part, any unused credit amount granted under this section. An election to transfer any unused tax credit amount under chapter 212 or chapter 220 must be made no later than 5 years after the date the credit is awarded, after which period the credit expires and may not be used. The Office of Tourism, Trade, and Economic Development shall notify the Department of Revenue of the election and transfer.

(b) Number of transfers permitted.—A certified production company that elects to apply a credit amount against taxes remitted under chapter 212 is permitted a one-time transfer of unused credits to one transferee. A certified production company that elects to apply a credit amount against taxes due under chapter 220 is permitted a one-time transfer of unused credits to no more than four transferees, and such transfers must occur in the same taxable year.

(c) Transferee rights and limitations.—The transferee is subject to the same rights and limitations as the certified production company awarded the tax credit, except that the transferee may not sell or otherwise transfer the tax credit.

(6) RELINQUISHMENT OF TAX CREDITS.—

(a) Beginning July 1, 2011, a certified production company, or any person who has acquired a tax credit from a certified production company pursuant to subsections (4) and (5), may elect to relinquish the tax credit to the Department of Revenue in exchange for 90 percent of the amount of the relinquished tax credit.

(b) The Department of Revenue may approve payments to persons relinquishing tax credits pursuant to this subsection.

(c) Subject to legislative appropriation, the Department of Revenue shall request the Chief Financial Officer to issue warrants to persons relinquishing tax credits. Payments under this subsection shall be made from the funds from which the proceeds from the taxes against which the tax credits could have been applied pursuant to the irrevocable election made by the certified production company under subsection (4) are deposited.

(7) ANNUAL ALLOCATION OF TAX CREDITS.—

(a) The aggregate amount of the tax credits that may be certified pursuant to paragraph (3)(d) may not exceed:

1. For fiscal year 2010-2011, $53.5 million.

2. For fiscal year 2011-2012, $74.5 million.

3. For fiscal years 2012-2013, 2013-2014, and 2014-2015, $38 million per fiscal year.

(b) Any portion of the maximum amount of tax credits established per fiscal year in paragraph (a) that is not certified as of the end of a fiscal year shall be carried forward and made available for certification during the following two fiscal years in addition to the amounts available for certification under paragraph (a) for those fiscal years.

(c) Upon approval of the final tax credit award amount pursuant to subparagraph (3)(f)2., an amount equal to the difference between the maximum tax credit award amount previously certified under paragraph (3)(d) and the approved final tax credit award amount shall immediately be available for recertification during the current and following fiscal years in addition to the amounts available for certification under paragraph (a) for those fiscal years.

(d) If, during a fiscal year, the total amount of credits applied for, pursuant to paragraph (3)(a), exceeds the amount of credits available for certification in that fiscal year, such excess shall be treated as having been applied for on the first day of the next fiscal year in which credits remain available for certification.

(8) RULES, POLICIES, AND PROCEDURES.—

(a) The Office of Tourism, Trade, and Economic Development may adopt rules pursuant to ss. 120.536(1) and 120.54 and develop policies and procedures to implement and administer this section, including, but not limited to, rules specifying requirements for the application and approval process, records required for substantiation for tax credits, procedures for making the election in paragraph (4)(d), the manner and form of documentation required to claim tax credits awarded or transferred under this section, and marketing requirements for tax credit recipients.

(b) The Department of Revenue may adopt rules pursuant to ss. 120.536(1) and 120.54 to administer this section, including rules governing the examination and audit procedures required to administer this section and the manner and form of documentation required to claim tax credits awarded, transferred, or relinquished under this section.

(9) AUDIT AUTHORITY; REVOCATION AND FORFEITURE OF TAX CREDITS; FRAUDULENT CLAIMS.—

(a) Audit authority.—The Department of Revenue may conduct examinations and audits as provided in s. 213.34 to verify that tax credits under this section are received, transferred, and applied according to the requirements of this section. If the Department of Revenue determines that tax credits are not received, transferred, or applied as required by this section, it may, in addition to the remedies provided in this subsection, pursue recovery of such funds pursuant to the laws and rules governing the assessment of taxes.

(b) Revocation of tax credits.—The Office of Tourism, Trade, and Economic Development may revoke or modify any written decision qualifying, certifying, or otherwise granting eligibility for tax credits under this section if it is discovered that the tax credit applicant submitted any false statement, representation, or certification in any application, record, report, plan, or other document filed in an attempt to receive tax credits under this section. The Office of Tourism, Trade, and Economic Development shall immediately notify the Department of Revenue of any revoked or modified orders affecting previously granted tax credits. Additionally, the applicant must notify the Department of Revenue of any change in its tax credit claimed.

(c) Forfeiture of tax credits.—A determination by the Department of Revenue, as a result of an audit pursuant to paragraph (a) or from information received from the Office of Film and Entertainment, that an applicant received tax credits pursuant to this section to which the applicant was not entitled is grounds for forfeiture of previously claimed and received tax credits. The applicant is responsible for returning forfeited tax credits to the Department of Revenue, and such funds shall be paid into the General Revenue Fund of the state. Tax credits purchased in good faith are not subject to forfeiture unless the transferee submitted fraudulent information in the purchase or failed to meet the requirements in subsection (5).

(d) Fraudulent claims.—Any applicant that submits fraudulent information under this section is liable for reimbursement of the reasonable costs and fees associated with the review, processing, investigation, and prosecution of the fraudulent claim. An applicant that obtains a credit payment under this section through a claim that is fraudulent is liable for reimbursement of the credit amount plus a penalty in an amount double the credit amount. The penalty is in addition to any criminal penalty to which the applicant is liable for the same acts. The applicant is also liable for costs and fees incurred by the state in investigating and prosecuting the fraudulent claim.

(10) ANNUAL REPORT.—Each October 1, the Office of Film and Entertainment shall provide an annual report for the previous fiscal year to the Governor, the President of the Senate, and the Speaker of the House of Representatives which outlines the return on investment and economic benefits to the state.

(11) REPEAL.—This section is repealed July 1, 2015, except that:

(a) Tax credits certified under paragraph (3)(d) before July 1, 2015, may be awarded under paragraph (3)(f) on or after July 1, 2015, if the other requirements of this section are met.

(b) Tax credits carried forward under paragraph (4)(e) remain valid for the period specified.

(c) Subsections (5), (8) and (9) shall remain in effect until July 1, 2020.

Section 29. Effective July 1, 2010, subsection (5) of section 288.1258, Florida Statutes, is amended to read:

288.1258 Entertainment industry qualified production companies; application procedure; categories; duties of the Department of Revenue; records and reports.—

(5) RELATIONSHIP OF TAX EXEMPTIONS *AND INCENTIVES* TO INDUSTRY GROWTH; REPORT TO THE LEGISLATURE.—The Office of Film and Entertainment shall keep annual records from the information provided on taxpayer applications for tax exemption certificates beginning January 1, 2001. These records shall reflect a *ratio* ~~percentage comparison~~ of the annual amount of ~~funds exempted~~ *sales and use tax exemptions under this section and incentives awarded pursuant to s. 288.1254* to the estimated amount of funds expended *by certified productions, including productions that received incentives pursuant to s. 288.1254* ~~in relation to entertainment industry products~~. *These records also shall reflect a separate ratio of the annual amount of sales and use tax exemptions under this section, plus the incentives awarded pursuant to s. 288.1254 to the estimated amount of funds expended by certified productions.* In addition, the office shall maintain data showing annual growth in Florida-based entertainment industry companies and entertainment industry employment and wages. The Office of Film and Entertainment shall report this information to the Legislature ~~by~~ no later than December 1 of each year.

Section 30. Effective July 1, 2010, section 288.9552, Florida Statutes, is created to read:

288.9552 Florida Research Commercialization Matching Grant Program.—

(1) PURPOSE; GOALS AND OBJECTIVES; CREATION OF PROGRAM.—

(a) The purpose of the Florida Research Commercialization Matching Grant Program is to increase the amount of federal funding to this state which will produce the kind of distinctive technologies that drive today's knowledge-based economy. By leveraging federal, state, and private-sector resources, the Legislature intends that the program accelerate the innovation process and more efficiently transform research results into products in the marketplace.

(b) The matching grant program is specifically intended to be a catalyst for small or startup companies that can take advantage of federal and state grant funding in order to accelerate their growth and market penetration by helping them to overcome the funding gap faced by many small companies that are based in this state. Specific goals and objectives of the program include:

1. Increasing the amount of federal research moneys received by small businesses in this state through Phase I and Phase II awards from the Small Business Innovation Research Program and the Small Business Technology Transfer Program of the Office of Technology of the United States Small Business Administration.

2. Accelerating the entry of new technology-based products into the marketplace.

3. Producing additional technology-based jobs for the state.

4. Providing leveraged resources to increase the effectiveness and success of applicants' projects.

5. Speeding commercialization of promising technologies.

6. Encouraging the establishment and growth of high-quality, advanced technology firms in the state.

7. Accelerating the rate of investment and enhancing the state's investment infrastructure.

(c) The Florida Research Commercialization Matching Grant Program is created for the purpose of accomplishing the goals and objectives specified in this section.

(2) ADMINISTRATION.—The Florida Institute for the Commercialization of Public Research shall develop programmatic policy, ensure statewide applicability of the matching grant program, establish criteria for grant awards, approve grant awards, and annually report on program progress and results.

(3) GENERAL ELIGIBILITY GUIDELINES.—A qualified applicant for a Phase I or Phase II grant must:

(a) Be a business entity that is registered with the Secretary of State to operate in this state. The qualified applicant must also have its primary office and a majority of its employees domiciled in this state, and its principal research activities must be conducted in the state.

(b) Be a small company for which a state matching grant is necessary for project development and implementation.

(c) Use federal, local, and private resources to the maximum extent possible. Total project funding shall demonstrate that:

1. Private-sector investments offset the total cost of the project.

2. Not more than 25 percent of the project's total funding is provided by the state grant.

(d) Conduct the project funded by the matching grant program in this state.

(4) PHASE-SPECIFIC APPLICATION GUIDELINES.–

(a) A successful applicant for a grant must meet the requirements of this section and be approved by the institute. An application for a grant must be made on an application form prescribed by the institute. An applicant shall provide all information that the institute finds necessary to make the determinations required by this section.

(b) All applications for a grant fund must include the following:

1. A fully elaborated technical research or business plan, whichever applies, that is appropriate for review by outside experts as provided in this section.

2. A detailed financial analysis that includes the commitment of resources by other entities that will be involved in the project.

3. A statement of the economic development potential of the project, such as:

a. A statement of the way in which grant support will lead to significantly increased funding from federal or private sources and from private sector research partners.

b. A projection of the jobs to be created.

c. The identity, qualifications, and obligations of the applicant.

d. Any other information that the Institute considers appropriate.

(c)1. An application for a grant fund submitted by an academic researcher must be made through the office of the president of the researcher's academic institution with the express endorsement of the institution's president.

2. An application for a grant submitted by a private researcher must be made through the office of the highest ranking officer of the researcher's institution with the express endorsement of the institution.

3. Any other application must be made through the office of the highest ranking officer of the entity submitting the application. In the case of an application for a grant that is submitted jointly by one or more researchers or entities, the application must be endorsed by each institution or entity.

(d) A Phase I state grant may not be awarded unless the applicant has received a federal Phase I award. An entity may receive no more than five Phase I state grants.

(e) A qualified applicant for a Phase II state grant must have received an invitation to submit an application for a federal Phase II award or must have received a federal Phase II award. If a federal Phase II award has already been issued, the end date of the federal award must be identified and justification must be provided as to how the state funds will enhance the existing federal award. A Phase II state grant may not be awarded unless the applicant has received a federal Phase II award.

(5) PHASE I PEER REVIEW GUIDELINES.–In making a determination on a proposal intended to obtain Phase I federal funding, the institute shall be advised by a peer review panel and shall consider the following factors in evaluating the proposal:

(a) The scientific merit of the proposal.

(b) The predicted future success of federal funding for the proposal.

(c) The ability of the researcher to attract merit based scientific funding of research.

(d) The extent to which the proposal evidences interdisciplinary or inter-institutional collaboration among two or more postsecondary educational institutions or private sector partners in this state, as well as cost sharing and partnership support from the business community.

(e) The peer review panel shall be chosen by and report to the institute. In determining the composition and duties of a peer review panel, the institute shall consider the National Institutes of Health and the National Science Foundation peer review processes as models. The members of the panel must have extensive experience in federal research funding. A panel member may not have a relationship with any private entity or postsecondary educational institution in the state that would constitute a conflict of interest for the panel member. The members of a panel shall serve without compensation and are not entitled to per diem and travel expenses while in the performance of their duties.

(f) A grant for a Phase I award may not be approved by the Institute unless the proposal has received a positive recommendation from a peer review panel described in this section.

(6) PHASE II REVIEW GUIDELINES.–In making a determination on an application for a Phase II grant, the institute shall consult with experts as necessary to analyze the likelihood of success of the proposal and the relative merit of the proposal.

(7) PROGRAM ADMINISTRATOR; RESPONSIBILITIES.—The Florida Institute for the Commercialization of Public Research shall serve as program administrator. The institute may contract for the performance of a technology review and related functions with a third party. Not more than 5 percent of a legislative appropriation made for the purposes of implementing this program may be used for administering this program. The responsibilities of the Institute as the program administrator include, but are not limited to:

(a) Coordinating and supporting the grant review, approval, and contracting activities.

(b) Administering the grant-selection process, including, but not limited to, issuing open-call requests for grant applications and receiving, reviewing, and processing grant applications, and awarding grants to selected qualified applicants.

(c) Entering into a contract with each grant recipient and serving as the grant contract manager.

(d) Reporting program progress and results.

(e) Establishing a mechanism by which information regarding grant projects may be made available to facilitate additional investment by individual investors, investment for early start-up costs, or venture capital investment.

(8) APPLICATION REVIEW.—An application for a matching grant award must be reviewed and approved or denied within 45 days after receipt.

(9) AWARDS.—The matching grant program may make a one-time award of up to $50,000 per project for a Phase I grant to a qualified applicant and up to $250,000 per project for a Phase II grant to a qualified applicant. Grant funds shall be released upon completion of all contract requirements.

(10) REPORTING.—Beginning December 1, 2011, and annually thereafter, the institute shall transmit a report relating to the grants awarded under the program to the Governor, the President of the Senate, and the Speaker of the House of Representatives for the previous fiscal year.

(11) EXPIRATION.—This section expires July 1, 2013, unless reviewed and reenacted by the Legislature prior to that date.

Section 31. Effective July 1, 2010, subsections (7) through (12) of section 288.9625, Florida Statutes, are amended to read:

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

~~(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.

(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 supported organization should be accepted into the institute.

(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 supported organizations all of which work together to provide resources or special knowledge that is likely to be helpful to institute companies.

(g) Administer the Florida Research Commercialization Matching Grant Program created in s. 288.9552.

(9)~~(10)~~ The institute 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 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 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.

(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.

Section 32. Section 288.9621, Florida Statutes, is amended to read:

288.9621 Short title.—*This part* ~~Sections 288.9621-288.9625~~ may be cited as the "Florida Capital Formation Act."

Section 33. Subsections (1) and (2) of section 288.9622, Florida Statutes, are amended to read:

288.9622 Findings and intent.—

(1) The Legislature finds and declares that there is a need to increase the availability of seed capital and early stage venture equity capital for emerging companies in the state, including, without limitation, enterprises in life sciences, information technology, advanced manu-

facturing processes, aviation and aerospace, and homeland security and defense, as well as other strategic technologies *and infrastructure funding*.

(2) It is the intent of the Legislature that *this part* ~~ss. 288.9621-288.9625~~ serve to mobilize private investment in a broad variety of venture capital partnerships in diversified industries and geographies; retain private sector investment criteria focused on rate of return; use the services of highly qualified managers in the venture capital industry regardless of location; facilitate the organization of the Florida Opportunity Fund as an investor in seed and early stage businesses, infrastructure projects, venture capital funds, *infrastructure funds,* and angel funds; and precipitate capital investment and extensions of credit to and in the Florida Opportunity Fund.

Section 34. Section 288.9623, Florida Statutes, is amended to read:

288.9623 Definitions.— As used in *this part, the term* ~~ss. 288.9621-288.9625~~:

(1) "Board" means the board of directors of the Florida Opportunity Fund.

(2) "Certificate" means a contract between the trust and an investment partner under which the partner, under certain conditions, may redeem such certificate for a tax credit to guarantee the partner's investment in the partnership.

(3) "Commitment agreement" means a contract between the partnership and an investment partner under which the partner commits to providing a specified amount of investment capital in exchange for an ownership interest in the partnership.

(4)~~(2)~~ "Fund" means the Florida Opportunity Fund.

(5) "Infrastructure project" means a capital project in the state for a facility or other infrastructure need in the state, a county, or a municipality with respect to any of the following: water or wastewater system, communication system, power system, transportation system, renewable energy system, ancillary or support system for any of these types of projects, or other strategic infrastructure of the state, the county, or the municipality.

(6) "Investment partner" or "partner" means a person, other than the partnership, the fund, or the trust, who purchases an ownership interest in the partnership.

(7) "Partnership" means the Florida Infrastructure Fund Partnership.

(8) "Tax credit" means a credit issued against the taxes specified in s. 288.9628(7)(c).

(9) "Trust" means the Florida Infrastructure Investment Trust.

Section 35. Section 288.9627, Florida Statutes, is created to read:

288.9627 Florida Infrastructure Fund Partnership; creation; duties.—

(1) The Florida Opportunity Fund shall facilitate the creation of the Florida Infrastructure Fund Partnership, which shall be organized and operated under chapter 620 as a private, for-profit limited partnership or limited liability partnership with the fund as a general partner. The partnership shall manage its business affairs and conduct business consistent with its organizing documents and the purposes described in this section. However, the partnership is not an instrumentality of the state.

(2) The primary purpose of the partnership is to raise investment capital and invest the capital in infrastructure projects in the state that promote the economic development of the state, a county, or a municipality.

(3)(a) The fund, as a general partner of the partnership, shall manage the partnership's business affairs, including, but not limited to:

1. Hiring one or more investment managers to assist with management of the partnership through a national solicitation for qualified investment managers for the raising and investing of capital by the partnership. Any proposed investment plan must address the investment manager's level of experience, quality of management, investment philosophy and process, demonstrable success in fundraising, and prior investment results.

2. Soliciting and negotiating the terms of, contracting for, and receiving investment capital with the assistance of the investment managers or other service providers.

3. Receiving investment returns.

4. Disbursing returns to investment partners.

5. Approving investments in order to provide financial returns together with strategic returns designed to satisfy the state's, the county's, or the municipality's infrastructure needs; result in a significant potential to create or retain jobs in this state; and further diversify the state's economy.

6. Engaging in other activities necessary to operate the partnership.

(b) The fund may lend up to $350,000 to the partnership to pay the initial expenses of organizing the partnership and soliciting investment partners.

(4)(a) The partnership shall raise funds from investment partners for investment in infrastructure projects in the state by entering into commitment agreements with such partners on terms approved by the fund's board.

(b) The Florida Infrastructure Investment Trust shall, pursuant to s. 288.9628, concurrently with the execution of a commitment agreement with an investment partner, issue a certificate redeemable for a contingent tax credit to guarantee the partner's investment in the partnership.

(c) The partnership shall provide a copy of each commitment agreement to the trust upon execution of the agreement by all parties.

(d) The partnership may enter into commitment agreements with investment partners beginning July 1, 2010. The total principal investment payable to the partnership under all commitment agreements, and the corresponding amount of the certificates issued by the trust under s. 288.9628, may not exceed the total aggregate amount of $350 million. However, if the partnership does not obtain commitment agreements totaling at least $75 million by December 1, 2011, the partnership must cancel any executed agreement and return the investment capital of each investment partner who executed an agreement.

(5)(a) The partnership may only invest in an infrastructure project:

1. That fulfills a critical infrastructure need in the state.

2. That raises enough equity or debt capital from other sources so that the total amount invested in the project is at least twice the amount invested by the partnership.

3. For which legal measures exist, appropriate to the individual project, to ensure that the project is not fraudulently closed to the detriment of the residents of the state.

(b) The partnership may not invest more than 20 percent of its total available investment capital in any single infrastructure project.

(6) The partnership may only invest in an infrastructure project based on an evaluation of the following:

(a) A written business plan for the project, including all expected revenue sources.

(b) The likelihood of the project's attracting operating capital from investment partners, grants, or other lenders.

(c) The management team for the proposed project.

(d) The project's potential for job creation in the state.

(e) The financial resources of the entity proposing the project.

(f) The existence of reasonable safeguards to ensure that the project provides a continuing benefit for residents of the state.

(g) Other factors not inconsistent with this section that are deemed by the partnership as relevant to the likelihood of the project's success.

(7) By December 1 of each year beginning in 2010, the partnership shall submit an annual report of its activities to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The annual report must include, at a minimum:

(a) An accounting of the amounts of investment capital raised and disbursed by the partnership and the progress of the partnership, including the progress of each infrastructure project in which the partnership has invested.

(b) A description of the benefits to the state that result from the partnership's investments, including a list of infrastructure projects; the benefits of those projects to the state, the county, or the municipality; the number of businesses and associated industries positively affected; the number, types, and average annual wages of the jobs created or retained; and the positive impact on the state's economy.

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

(8) The partnership and the fund may not pledge the credit or taxing power of the state or any political subdivision thereof and may not make their debts payable from any moneys or resources except those of the partnership or the fund. An obligation of the partnership or the fund is not an obligation of the state or any political subdivision thereof but is an obligation of the partnership or the fund, payable exclusively from the partnership's or the fund's resources.

(9) The partnership may not invest in an infrastructure project with, or accept investment capital from, a company described in s. 215.472 or a scrutinized company as defined in s. 215.473. The entity owning an infrastructure project in which the partnership has invested must provide reasonable assurances to the partnership that the entity will not provide such company or scrutinized company with an ownership interest in the infrastructure project.

Section 36. Section 288.9628, Florida Statutes, is created to read:

288.9628 Florida Infrastructure Investment Trust; creation; duties; issuance of certificates; applications for tax credits.—

(1)(a) There is created the Florida Infrastructure Investment Trust, which shall be organized as a state beneficiary public trust to be administered by a board of trustees. The powers and duties of the board of trustees under this section are deemed to be performed for essential public purposes.

(b) The board of trustees shall consist of the Chief Financial Officer, the director of the Office of Tourism, Trade, and Economic Development, and the vice chair of Enterprise Florida, Inc., or their designees. The board of trustees shall appoint an administrative officer who may act on behalf of the trust under the direction of the board of trustees.

(c) Members of the board of trustees and its administrative officer shall serve without compensation. Neither a member nor the administrative officer may have a financial interest in any investment partner.

(2) The trust may hire consultants, retain professional services, issue certificates, sell certificates in accordance with paragraph (5)(b), expend funds, invest funds, contract, bond or insure against loss, or perform any other act necessary to administer this section.

(3)(a) The trust shall, pursuant to s. 288.9627 and this section, issue certificates redeemable for contingent tax credits to investment partners who make equity investments in the Florida Infrastructure Fund Partnership.

(b) The trust may seek reimbursement of its reasonable costs and expenses from the partnership by charging a fee for the issuance of certificates to investment partners of up to 0.25 percent of the aggregate investment capital committed to the partnership by the investment partners who are issued certificates.

(c) All certificates issued by the trust may not exceed the total aggregate amount specified in s. 288.9627(4)(d).

(d) A certificate may only be issued concurrently with a commitment agreement between the investment partner and the partnership. A certificate issued by the trust must include a specific calendar year maturity date designated by the trust of at least 12 years after issuance. A contingent tax credit may not be claimed or redeemed except by an investment partner or purchaser in accordance with this section and the terms of a certificate issued by the trust.

(e) Once the total amount of the investment capital committed by an investment partner in his or her commitment agreement is provided to the partnership by the partner, the certificate is binding, and the partnership, the trust, and the Department of Revenue may not modify, terminate, or rescind the certificate.

(4)(a) The partnership shall provide written notice to each investment partner if, on the maturity date of his or her certificate, the partner's net capital investment is greater than zero. The notice must include, at a minimum:

1. A good faith estimate of the fair market value of the partnership's assets as of the date of the notice.

2. The total capital investment of all investment partners as of the date of the notice.

3. The total amount of distributions received by the investment partners.

4. The amount of the tax credit the investment partner is entitled to be issued by the Department of Revenue.

For purposes of this section, an investment partner's net capital investment is an amount equal to the difference between the total investment capital actually advanced by the investment partner to the partnership and the amount of the aggregate actual distributions received by the investment partner.

(b) The partnership shall concurrently provide a copy of each investment partner's notice to the trust.

(c) Upon receipt of the notice from the partnership, each affected investment partner may make a one-time election to:

1. Have a tax credit issued to the investment partner;

2. Have the trust sell the partner's certificate on his or her behalf with the proceeds of the sale to be paid to the partner by the trust; or

3. Maintain the investment partner's investment in the partnership.

(d) Except as provided in paragraph (6)(d), the election made by an investment partner under paragraph (c) is final and may not be revoked or modified.

(e) An investment partner must provide written notice to the partnership and the trust of his or her election within 30 days after his or her receipt of the notice from the partnership. If an investment partner fails to provide notice within 30 days, the investment partner is deemed to have elected to maintain his or her investment in the partnership under subparagraph (c)3.

(5)(a) If an investment partner elects to have a tax credit issued to him or her, the trust shall apply to the Department of Revenue on the partner's behalf for issuance of the tax credit in his or her name. In order to receive the tax credit, the investment partner must agree in writing to transfer his or her ownership interest in the partnership to the fund.

(b) If an investment partner elects to have the trust sell his or her certificate, the trust shall exercise its best efforts to sell the certificate. In order to receive the proceeds from the trust's sale of the certificate, the investment partner must agree in writing to transfer his or her ownership interest in the partnership to the fund. A purchaser's payment for the certificate, or any portion thereof, shall be made to the trust on behalf of the investment partner or, upon the partner's request, directly to the investment partner. The trust may sell a certificate in an amount that does not exceed the lesser of:

1. The amount of the certificate issued to the investment partner; or

2. The amount necessary to yield proceeds to the investment partner equal to his or her net capital investment as of the date of the partnership's notice.

(6)(a) Within 30 days after receipt of an investment partner's election to be issued a tax credit under paragraph (5)(a), or within 30 days after the sale of a partner's certificate under paragraph (5)(b), the trust shall apply to the Department of Revenue for issuance of the tax credit on behalf of the partner or on behalf of the certificate's purchaser, as applicable. However, the trust's failure to timely submit an application to the Department of Revenue does not affect the investment partner's or certificate purchaser's eligibility for the tax credit.

(b) The trust's application for a tax credit must include the partnership's certification of the amount of tax credit to be issued, the identity of the taxpayer to whom the tax credit is to be issued, and the tax against which the credit shall be applied. The Department of Revenue shall issue the tax credit within 30 days after receipt of a timely and complete application.

(c) If an investment partner's certificate is sold by the trust under paragraph (5)(b) to more than one purchaser, the Department of Revenue shall issue tax credits to such purchasers in such amounts as designated by the trust in the application.

(d) The trust shall provide the investment partner with written notice if the trust is unable to sell the partner's certificate within 90 days after the partner's election. Within 30 days after receipt of such notice, the investment partner may:

1. Revoke his or her prior election and make a new election under paragraph (4)(c); or

2. Modify the election and have a tax credit issued to him or her for the amount of any unsold credit. Within 30 days after such modified election, the trust shall apply to the Department of Revenue in accordance with paragraph (a) for issuance of tax credits on behalf of the investment partner in the amount of any unsold credit and on behalf of the purchasers in the amount of their purchased credit.

(7)(a) The Department of Revenue may not issue more than $350 million in tax credits. The trust may not approve tax credits in excess of the total capital invested through commitment agreements.

(b) The amount of tax credits that may be claimed by the owner of the credits, or applied against state taxes, in any one state fiscal year may not exceed an amount equal to $87.5 million multiplied by a fraction the numerator of which is the amount of credits that the Department of Revenue issued to such owner and the denominator of which is the amount of all credits that the Department of Revenue issued to all tax credit owners.

(c) A tax credit issued by the Department of Revenue under this section may be used by the owner of the credit as an offset against any taxes owed to the state under chapter 212, chapter 220, or chapter 624. The offset may be applied by the owner on any return for an eligible tax due on or after the date that the credit is issued by the Department of Revenue but within 7 years after the credit is issued. The owner of the tax credit may elect to have the amount authorized in the credit, or any portion thereof, claimed as a refund of taxes paid rather than applied as an offset against eligible taxes, if such election is made within 7 years after the credit is issued.

(d) To the extent that a tax credit issued under this section is used by its owner either as a credit against taxes due or to obtain payment from the state, the amount of such credit becomes an obligation to the state by the partnership, secured exclusively by the ownership interest transferred to the fund by the investment partner whose investment generated the tax credit. In such case, the state's recovery is limited to such forfeited ownership interest. The Department of Revenue shall account for tax credits used under this section and make such information available to the partnership. The fund, as general partner, is not liable to the state for repayment of the used tax credits from the fund's separate assets unrelated to its interest in the partnership.

(8) The Department of Revenue, upon the request of the trust, shall provide the trust with a written assurance that the certificates issued by the trust will be honored by the Department of Revenue as provided in this section.

(9) Chapter 517 does not apply to the certificates and tax credits transferred or sold under this section.

Section 37. Paragraph (z) is added to subsection (8) of section 213.053, Florida Statutes, to read:

213.053 Confidentiality and information sharing.—

(8) Notwithstanding any other provision of this section, the department may provide:

(z) Information relative to tax credits under ss. 288.9627 and 288.9628 to the Florida Infrastructure Fund Partnership and the Florida Infrastructure Investment Trust.

Disclosure of information under this subsection shall be pursuant to a written agreement between the executive director and the agency. Such agencies, governmental or nongovernmental, shall be bound by the same requirements of confidentiality as the Department of Revenue. Breach of confidentiality is a misdemeanor of the first degree, punishable as provided by s. 775.082 or s. 775.083.

Section 38. Subsection (7) of section 288.9913, Florida Statutes, is amended to read:

288.9913 Definitions.—As used in ss. 288.991-288.9922, the term:

(7) "Qualified active low-income community business" means a corporation, including a nonprofit corporation, or partnership that *complies with each of the following*:

(a)1. Derives at least 50 percent of its total gross income from the active conduct of business within any low-income community for any taxable year.~~;~~

2. Uses *at least 40 percent* ~~a substantial portion~~ of its tangible property, whether owned or leased, within any low-income community for any taxable year*, which percentage shall be the average value of the tangible property owned or leased and used within a low-income community by the corporation or partnership divided by the average value of the total tangible property owned or leased and used by the corporation or partnership during the taxable year. The value assigned to leased property by the corporation or partnership must be reasonable.*~~;~~

3. Performs *at least 40 percent* ~~a substantial portion~~ of its services through its employees in a low-income community for any taxable year*, which percentage shall be the amount paid by the corporation or partnership for salaries, wages, and benefits to employees in a low-income community divided by the total amount paid by the corporation or partnership for salaries, wages, and benefits during the taxable year.*~~;~~

4. Attributes less than 5 percent of the average of the aggregate unadjusted bases of the property of the entity to collectibles, as defined in 26 U.S.C. s. 408(m)(2), other than collectibles that are held primarily for sale to customers in the ordinary course of the business for any taxable year.~~; and~~

5. Attributes less than 5 percent of the average of the aggregate unadjusted bases of the property of the entity to nonqualified financial property, as defined in 26 U.S.C. s. 1397C(e), for any taxable year.

A corporation or partnership complies with subparagraph 1. if, as calculated in subparagraph 2., it uses at least 50 percent of its tangible property, whether owned or leased, within any low-income community for any taxable year or if, as calculated in subparagraph 3., the corporation or partnership performs at least 50 percent of its services through its employees in a low-income community for any taxable year.

(b) Is reasonably expected by a qualified community development entity at the time of an investment to continue to satisfy the requirements of paragraphs (a), (c), and (d) for the duration of the investment.

(c) Satisfies the requirements of paragraphs (a) and (b), but does not:

1. Derive or project to derive 15 percent or more of its annual revenue from the rental or sale of real estate*, unless the corporation or partnership derives such revenue from the rental of real estate and the primary lessee and user of such real estate is another qualified active low-income community business that is owned or controlled by, or that is*

under common ownership or control with, such corporation or partnership;

2. Engage predominantly in the development or holding of intangibles for sale or license;

3. Operate a private or commercial golf course, country club, massage parlor, hot tub facility, suntan facility, racetrack, gambling facility, or a store the principal business of which is the sale of alcoholic beverages for consumption off premises; or

4. Engage principally in farming and owns or leases assets the sum of the aggregate unadjusted bases or the fair market value of which exceeds $500,000.

(d) Will create or retain jobs that pay an average wage of at least 115 percent of the federal poverty income guidelines for a family of four.

Section 39. Subsection (2) of section 288.9920, Florida Statutes, is amended to read:

288.9920 Recapture and penalties.—

(2) The office shall provide notice to the qualified community development entity and the department of a proposed recapture of a tax credit. The entity shall have *6 months* ~~90 days~~ following the receipt of the notice to cure a deficiency identified in the notice and avoid recapture. The office shall issue a final order of recapture if the entity fails to cure a deficiency within the *6-month* ~~90 day~~ period. The final order of recapture shall be provided to the entity, the department, and a taxpayer otherwise authorized to claim the tax credit. *Only one correction is permitted for each qualified equity investment during the 7-year credit period.* Recaptured funds shall be deposited into the General Revenue Fund.

Section 40. Effective July 1, 2010, section 373.441, Florida Statutes, is amended to read:

373.441 Role of counties, municipalities, and local pollution control programs in permit processing*; delegation*.—

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

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

(b) Provisions under which a locally delegated permit program may have stricter environmental standards than state standards;

(c) Provisions for identifying and reconciling any duplicative permitting by January 1, 1995;

(d) Provisions for timely and cost-efficient notification by the reviewing agency of permit applications, and permit requirements, to counties, municipalities, local pollution control programs, the department, or water management districts, as appropriate;

(e) Provisions for ensuring the consistency of permit applications with local comprehensive plans;

(f) Provisions for the partial delegation of the environmental resource permit program to counties, municipalities, or local pollution control programs, and standards and criteria to be employed in the implementation of such delegation by counties, municipalities, and local pollution control programs;

(g) Special provisions under which the environmental resource permit program may be delegated to counties *having* ~~with~~ populations of 75,000 or *fewer* ~~less~~, or municipalities with, or local pollution control programs serving, populations of 50,000 or *fewer* ~~less~~; ~~and~~

(h) Provisions for the applicability of chapter 120 to local government programs when the environmental resource permit program is delegated to counties, municipalities, or local pollution control programs*; and*

(i) Provisions for a local government to petition the Governor and Cabinet for review of a request for a delegation of authority that is not approved or denied within 1 year after being initiated.

(2) Any denial by the department of a local government's request for a delegation of authority must provide specific detail of those statutory or rule provisions that were not satisfied. Such detail shall also include specific actions that can be taken in order to allow for the delegation of authority. A local government, upon being denied a request for a delegation of authority, may petition the Governor and Cabinet for a review of the request. The Governor and Cabinet may reverse the decision of the department and may provide any necessary conditions to allow the delegation of authority to occur.

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

(4)~~(2) Nothing in~~ This section *does not affect* ~~affects~~ or *modify* ~~modifies~~ land development regulations adopted by a local government to implement its comprehensive plan pursuant to chapter 163.

(5)~~(3)~~ The department shall review environmental resource permit applications for electrical distribution and transmission lines and other facilities related to the production, transmission, and distribution of electricity which are not certified under ss. 403.52-403.5365, the Florida Electric Transmission Line Siting Act, regulated under this part.

Section 41. Effective July 1, 2010, subsection (41) is added to section 403.061, Florida Statutes, to read:

403.061 Department; powers and duties.—The department shall have the power and the duty to control and prohibit pollution of air and water in accordance with the law and rules adopted and promulgated by it and, for this purpose, to:

(41) Expand the use of online self-certification for appropriate exemptions and general permits issued by the department or the water management districts if such expansion is economically feasible. Notwithstanding any other provision of law, a local government may not specify the method or form for documenting that a project qualifies for an exemption or meets the requirements for a permit under chapter 161, chapter 253, chapter 373, or this chapter. This limitation of local government authority extends to Internet-based department programs that provide for self-certification.

The department shall implement such programs in conjunction with its other powers and duties and shall place special emphasis on reducing and eliminating contamination that presents a threat to humans, animals or plants, or to the environment.

Section 42. Section 47 of chapter 2009-82, Laws of Florida, is amended to read:

Section 47. In order to implement Specific Appropriation 1570 of the 2009-2010 General Appropriations Act:

(1) The intent of the Legislature is to ensure that residents of the state derive the maximum possible economic benefit from the federal first-time homebuyer tax credit created through The American Recovery and Reinvestment Act of 2009 by providing subordinate down payment assistance loans to first-time homebuyers for owner-occupied primary residences which can be repaid by the income tax refund the homebuyer is entitled to under the First Time Homebuyer Credit. The state program shall be called the "Florida Homebuyer Opportunity Program."

(2) The Florida Housing Finance Corporation shall administer the Florida Homebuyer Opportunity Program to optimize eligibility for conventional, VA, USDA, FHA, and other loan programs through the State Housing Initiatives Partnership program in accordance with ss. 420.907-420.9079, Florida Statutes, and the provisions of this section.

(3) Prior to December 1, 2009, or any later date established by the Internal Revenue Service for such purchases, counties and eligible mu-

nicipalities receiving funds shall expend the funds appropriated under Specific Appropriation 1570A only to provide subordinate loans to prospective first-time homebuyers under the Florida Homebuyer Opportunity Program pursuant to this section, except that up to 10 percent of such funds may be used to cover administrative expenses of the counties and eligible municipalities to implement the Florida Homebuyer Opportunity Program, and not more than .25 percent may be used to compensate the Florida Housing Finance Corporation for the expenses associated with compliance monitoring. The funds appropriated under Specific Appropriation 1570A may not be used for any other program currently existing under ss. 420.907-420.9079, Florida Statutes. Thereafter, the funds shall be expended in accordance with ss. 420.907-420.9079, Florida Statutes.

(4) Notwithstanding s. 420.9075, Florida Statutes, for purposes of the Florida Homebuyer Opportunity Program, the following exceptions shall apply:

(a) The maximum income limit shall be an adjusted gross income of $75,000 for single taxpayer households or $150,000 for joint-filing taxpayer households, which is equal to that permitted by the American Recovery and Reinvestment Act of 2009;

(b) There is no requirement to reserve 30 percent of the funds for awards to very-low-income persons or 30 percent of the funds for awards to low-income persons;

(c) There is no requirement to expend 75 percent of funds for construction, rehabilitation, or emergency repair; and

(d) The principal balance of the loans provided may not exceed 10 percent of the purchase price or $8,000, whichever is less.

(5) Funds shall be expended under a newly created strategy in the local housing assistance plan to implement the Florida Homebuyer Opportunity Program.

(6) The homebuyer shall be expected to use their federal income tax refund to fully repay the loan. If the county or eligible municipality receives repayment from the homebuyer within 18 months after the closing date of the loan, the county or eligible municipality shall waive all interest charges. A homebuyer who fails to fully repay the loan within the earlier of 18 months or 10 days after the receipt of their federal income tax refund, shall be subject to repayment terms provided in the local housing assistance plan, including penalties for not using his or her refund for repayment. Penalties may not exceed 10 percent of the loan amount and shall be included in the loan agreement with the homebuyer.

(7) All funds repaid to a county or eligible municipality shall be considered "program income" as defined in s. 420.9071(24), Florida Statutes.

(8) In order to maximize the effect of the funding, the counties and eligible municipalities are encouraged to work with private lenders to provide additional funds to support the initiative. However, in all instances, the counties and eligible municipalities shall make and hold the subordinate loan.

(9) This section expires July 1, *2011* ~~2010~~.

Section 43. *The Office of Program Policy Analysis and Government Accountability shall review and evaluate the Florida Enterprise Zone Program in ss. 290.001-290.014, Florida Statutes, and submit a report of its findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 11, 2011. The review shall include, but need not be limited to: how the program has changed over the years since it was created; whether the program is effectively and efficiently addressing the issues that precipitated its creation; the direct and indirect costs of the program to the state and local governments that participate; whether the program's tax incentives are effectively designed to benefit economically distressed or high-poverty areas and their residents and business owners; and whether the application, review, and approval processes are transparent, effective, and efficient.*

Section 44. *The Office of Program Policy Analysis and Government Accountability shall review and evaluate the effectiveness and viability of the Florida Research Commercialization Matching Grant Program in s. 288.9552, Florida Statutes. The office shall specifically evaluate the use of federal grants and private investment and the creation of new businesses and jobs. The office shall also recommend outcome measures for further evaluation of the program. The office shall submit a report of its findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives by November 1, 2011.*

Section 45. *(1) Except as provided in subsection (4), a development order issued by a local government, a building permit, and any permit issued by the Department of Environmental Protection or by a water management district pursuant to part IV of chapter 373, Florida Statutes, which has an expiration date from September 1, 2008, through January 1, 2012, is extended and renewed for a period of 2 years after its previously scheduled date of expiration. This 2-year extension also applies to buildout dates, including any extension of a buildout date that was previously granted under s. 380.06(19)(c), Florida Statutes. This section does not prohibit conversion from the construction phase to the operation phase upon completion of construction. This extension is in addition to the 2-year permit extension provided under section 14 of chapter 2009-96, Laws of Florida.*

(2) The commencement and completion dates for any required mitigation associated with a phased construction project are extended so that mitigation takes place in the same timeframe relative to the phase as originally permitted.

(3) The holder of a valid permit or other authorization that is eligible for the 2-year extension must notify the authorizing agency in writing by December 31, 2010, identifying the specific authorization for which the holder intends to use the extension and the anticipated timeframe for acting on the authorization.

(4) The extension provided for in subsection (1) does not apply to:

(a) A permit or other authorization under any programmatic or regional general permit issued by the Army Corps of Engineers.

(b) A permit or other authorization held by an owner or operator determined to be in significant noncompliance with the conditions of the permit or authorization as established through the issuance of a warning letter or notice of violation, the initiation of formal enforcement, or other equivalent action by the authorizing agency.

(c) A permit or other authorization, if granted an extension that would delay or prevent compliance with a court order.

(5) Permits extended under this section shall continue to be governed by the rules in effect at the time the permit was issued, except if it is demonstrated that the rules in effect at the time the permit was issued would create an immediate threat to public safety or health. This provision applies to any modification of the plans, terms, and conditions of the permit which lessens the environmental impact, except that any such modification does not extend the time limit beyond 2 additional years.

(6) This section does not impair the authority of a county or municipality to require the owner of a property that has notified the county or municipality of the owner's intent to receive the extension of time granted pursuant to this section to maintain and secure the property in a safe and sanitary condition in compliance with applicable laws and ordinances.

Section 46. *(1) The Legislature hereby reauthorizes:*

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

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

(c) Any amendment to a local comprehensive plan adopted pursuant to s. 163.3184, Florida Statutes, as amended by chapter 2009-96, Laws of Florida, and in effect pursuant to s. 163.3189, Florida Statutes, which authorizes and implements a transportation concurrency exception area pursuant to s. 163.3180, Florida Statutes, as amended by chapter 2009-96, Laws of Florida.

(2) Subsection (1) is intended to be remedial in nature and to reenact provisions of existing law. This section shall apply retroactively to all actions specified in subsection (1) and therefore to any such actions lawfully undertaken in accordance with chapter 2009-96, Laws of Florida.

Section 47. *The unexpended funds appropriated in Specific Appropriation 2649 of chapter 2008-152, Laws of Florida, for improvements to Launch Complex 36 on the 45th Space Wing property shall revert immediately and are reappropriated for state fiscal year 2010-2011 from the Economic Development Transportation Trust Fund for improvements to other launch complexes and space transportation facilities in order to attract new space vehicle testing and launch business to the state; to address intermodal requirements and impacts of the launch ranges, spaceports, and other space transportation facilities; to advance aerospace technology to meet the current and future needs of the United States commercial space transportation industry; and to assist in the development of joint-use facilities and technology that support aviation and aerospace operations, including high-altitude and suborbital flights and range technology development.*

Section 48. *The installation of fuel tank upgrades to secondary containment systems shall be completed by the deadlines specified in rule 62-761.510, Florida Administrative Code, Table UST. For fuel service station facilities that have orders issued by the Department of Environmental Protection before July 1, 2010, granting an extension to the deadline, the deadline shall be extended to September 30, 2011. Such facilities must be in compliance with all other state and federal regulations pertaining to petroleum storage systems.*

Section 49. *Preference to state residents.—*

(1) Each contract for construction that is funded by state funds must contain a provision requiring the contractor to give preference to the employment of state residents in the performance of the work on the project if state residents have substantially equal qualifications to those of nonresidents. A contract for construction funded by local funds may contain such a provision.

(a) As used in this section, the term "substantially equal qualifications" means the qualifications of two or more persons among whom the employer cannot make a reasonable determination that the qualifications held by one person are better suited for the position than the qualifications held by the other person or persons.

(b) A contractor required to employ state residents must contact the Agency for Workforce Innovation to post the contractor's employment needs in the state's job bank system.

(2) No contract shall be let to any person refusing to execute an agreement containing the provisions required by this section. However, in work involving the expenditure of federal aid funds, this section may not be enforced in such a manner as to conflict with or be contrary to federal law prescribing a labor preference to honorably discharged soldiers, sailors, or marines, or prohibiting as unlawful any other preference or discrimination among the citizens of the United States.

Section 50. *The Legislature finds that this act fulfills an important state interest.*

Section 51. *If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.*

Section 52. *Effective July 1, 2010, there is appropriated for state fiscal year 2010-2011 to the Office of Tourism, Trade, and Economic Development within the Executive Office of the Governor:*

(1) The sum of $10 million in nonrecurring funds from the General Revenue Fund for Space Florida to address financing, business development, and infrastructure needs to assist in the continued development of the aerospace industry in this state and management of state-of-the-art facilities for space businesses that will create high-technology, high-wage-earning jobs.

(2) The sum of $3.2 million in nonrecurring funds from the General Revenue Fund exclusively for Space Florida to retrain workers as the result of the retirement of the Space Shuttle Program.

(3) The sum of $3 million in nonrecurring funds from the General Revenue Fund for the exclusive purpose of providing targeted-business-development support services and business recruitment through Space Florida. Activities and services may include, but are not limited to, securing federal programs and processes, identifying and securing new contract and grant opportunities for businesses in this state, assisting businesses in establishing operations, securing necessary qualifications and approvals, obtaining capital, and engaging company and federal officials to site new program elements including research, design, testing, and manufacturing work packages in this state. Emphasis will be placed on assisting small- to medium-sized businesses on a statewide basis. These funds may not be used for administrative or operational costs of Space Florida.

(4) The sum of $3 million in nonrecurring funds from the General Revenue Fund to provide local government distressed area matching grants pursuant to s. 288.0659, Florida Statutes. Notwithstanding s. 216.301, Florida Statutes, and pursuant to s. 216.351, Florida Statutes, any funds remaining from this appropriation as of June 30, 2011, shall remain available for carrying out the purpose of s. 288.0659, Florida Statutes.

(5) The sum of $1 million in nonrecurring funds from the General Revenue Fund for the purposes of the Economic Gardening Technical Assistance Pilot Program pursuant to s. 288.1082, Florida Statutes, notwithstanding section 4 of chapter 2009-13, Laws of Florida.

(6) The sum of $2 million in nonrecurring funds from the General Revenue Fund for the purposes of the Defense Infrastructure Grant Program pursuant to s. 288.980(4), Florida Statutes.

(7) The sums of $94,250 in recurring funds and $3,877 in nonrecurring funds from the General Revenue Fund and one additional full-time equivalent position and the associated salary rate of $67,001 is authorized, for the purpose of administering the provisions of this act relating to the Office of Tourism, Trade, and Economic Development.

(8) The sum of $2.9 million in nonrecurring funds from the General Revenue Fund for the Florida Export Finance Corporation for the purpose of capitalizing a self-sustaining cash collateral fund to be available to lenders participating in the corporation's existing loan guarantee program. The cash collateral fund must complement the corporation's existing loan and loan guarantee programs and otherwise comply with the requirements of part V of chapter 288, Florida Statutes.

Section 53. *(1) Effective July 1, 2010, for the 2010-2011 state fiscal year, the sum of $2 million in nonrecurring funds from the General Revenue Fund is appropriated to the Board of Governors of the State University System solely for the State University Research Commercialization Assistance Grant Program, pursuant to s. 1004.226(7), Florida Statutes. The Florida Technology, Research, and Scholarship Board shall solicit proposals in accordance with s. 1004.226(7)(b), Florida Statutes, no later than August 1, 2010, and shall grant awards no later than October 30, 2010.*

(2)(a) Effective July 1, 2010, there is appropriated for the 2010-2011 state fiscal year to the Office of Tourism, Trade, and Economic Development within the Executive Office of the Governor:

1. The sum of $1 million in nonrecurring funds from the General Revenue Fund for the purposes of the Economic Gardening Technical Assistance Pilot Program pursuant to section 288.1082, Florida Statutes, notwithstanding section 4 of Chapter 2009-13, Laws of Florida.

2. The sum of $2 million in nonrecurring funds from the General Revenue Fund for the purposes of the Defense Infrastructure Grant Program pursuant to s. 288.980(4), Florida Statutes.

3. The sum of $15 million in nonrecurring funds from the General Revenue Fund for the purposes of the Quick Action Closing Fund pursuant to section 288.1088, Florida Statutes.

4. The sum of $2 million in nonrecurring funds from the General Revenue Fund for the Florida Export Finance Corporation for the purpose of capitalizing a self-sustaining cash collateral fund to be available to

lenders participating in the corporation's existing loan guarantee program. The cash collateral fund must complement the corporation's existing loan and loan guarantee programs and otherwise comply with the requirements of part V of chapter 288, Florida Statutes.

(b) The funding provided in paragraph (a) is contingent upon the enactment of federal law which extends the enhanced Federal Medicaid Assistance Percentage rate, as provided under the American Reinvestment and Recovery Act (P.L. 111-5), from December 31, 2010, through June 30, 2011.

Section 54. *Effective July 1, 2010, the sum of $3 million in nonrecurring funds from the General Revenue Fund is appropriated to the Institute for the Commercialization of Public Research solely for purposes of the Florida Research Commercialization Grant Program, pursuant to s. 288.9552, Florida Statutes, of which up to $750,000 may be used for Phase I grants.*

Section 55. Except as otherwise expressly provided in this act, this act shall take effect upon becoming a law.

And the title is amended as follows:

Remove the entire title and insert: A bill to be entitled An act relating to economic development; amending s. 125.045, F.S.; requiring an agency or entity that receives county funds for economic development purposes pursuant to a contract to submit a report on the use of the funds; requiring the county to include the report in its annual financial audit; requiring counties to report on the provision of economic development incentives to businesses to the Legislative Committee on Intergovernmental Relations or successor entity; amending s. 166.021, F.S.; requiring an agency or entity that receives municipal funds for economic development purposes pursuant to a contract to submit a report on the use of the funds; requiring the municipality to include the report in its annual financial audit; requiring municipalities to report on the provision of economic development incentives to businesses to the Legislative Committee on Intergovernmental Relations or successor entity; amending s. 196.1995, F.S.; authorizing counties and municipalities to extend economic development ad valorem tax exemptions under certain circumstances; amending s. 212.02, F.S.; defining the term "fractional aircraft ownership program"; amending s. 212.031, F.S.; providing a partial exemption from the tax on renting, leasing, letting, or granting a license for the use of real property for property rented, leased, subleased, or licensed to a person providing certain services at convention halls, civic centers, or public lodging establishments; providing for application only to certain portions of payments; providing for retroactive application; amending s. 212.04, F.S.; extending certain exemptions from the admissions tax; expanding an exemption for admissions to certain professional sporting events; amending s. 212.05, F.S.; deleting a requirement that a certain penalty is mandatory and not waivable by the Department of Revenue; deleting authorization to return certain aircraft to the state for repairs without liability for taxes and penalty under certain circumstances; imposing a maximum limitation on the amount of tax collected on sales of boats in this state; creating s. 212.0597, F.S.; providing a maximum tax on the sale or use of fractional aircraft ownership interests; amending s. 212.08, F.S.; redefining the terms "real property" and "rehabilitation of real property" for purposes of the sales tax exemption on certain building materials used in the rehabilitation of real property used in an enterprise zone; specifying procedures to claim a sales tax credit under the entertainment industry financial incentive program; providing an exemption from the use tax for an aircraft that temporarily enters the state or is temporarily in the state for certain purposes; requiring documentation that identifies the aircraft in order to qualify for the exemption; providing that the exemption is in addition to certain other exemptions; providing tax exemptions on the sale or use of aircraft primarily used in a fractional aircraft ownership program and for the parts and labor used in the maintenance, repair, and overhaul of such aircraft; authorizing the department to adopt rules; amending s. 213.053, F.S.; authorizing the Department of Revenue to provide tax credit information to the Office of Film and Entertainment and the Office of Tourism, Trade, and Economic Development; amending s. 220.02, F.S.; providing for tax credits pursuant to the entertainment industry financial incentive program and the jobs for the unemployed tax credit program to be taken against the corporate income tax or the franchise tax after other existing credits are taken; amending s. 220.13, F.S.; revising the calculation of additions to adjusted federal income; creating s. 220.1896, F.S.; creating the jobs for the unemployed tax credit program to provide a tax credit to certain businesses that employ certain individuals who were previously unemployed after a certain date; providing for applications for certification under the program to be reviewed by Enterprise Florida, Inc., and the Office of Tourism, Trade, and Economic Development; providing criminal penalties for fraudulent claims of a tax credit; authorizing the Office of Tourism, Trade, and Economic Development and the Department of Revenue to adopt rules; providing for the expiration of the tax credit program; creating s. 220.1899, F.S.; providing for credits against the corporate income tax in the amounts awarded under the entertainment industry financial incentive program; providing for carryforward of the tax credits under certain circumstances; amending s. 288.018, F.S.; revising the allowable uses for matching grants awarded under the Regional Rural Development Grants Program; creating s. 288.0659, F.S.; creating the Local Government Distressed Area Matching Grant Program within the Office of Tourism, Trade, and Economic Development; providing a program purpose; providing definitions; authorizing the office to accept and administer appropriated moneys to provide local government distressed area matching grants; authorizing local governments to apply for grants to match qualified business assistance; providing qualifying requirements for targeted businesses; specifying evaluation criteria for reviewing grant requests; subjecting grant approval to legislative appropriation; providing limitations on expending funds; providing procedures for approving grant allocations or disapproving application; providing a process for making preliminary and final grant awards; providing requirements for grant recipients; providing for revocation of grants; limiting the grant amount for the qualified business assistance; authorizing the office to retain certain funds for administrative costs; amending s. 288.1045, F.S.; revising the definition of the term "jobs" for purposes of the qualified defense contractor and space flight business tax refund program; amending s. 288.106, F.S.; revising definitions, refund amounts, eligibility, requirements, and procedures for the tax refund program for qualified target industry businesses; amending s. 288.107, F.S.; revising the definition of the term "jobs" for purposes of brownfield redevelopment bonus refunds; correcting a cross-reference; amending s. 288.108, F.S.; revising the definitions of the terms "eligible high-impact business" and "jobs" for purposes of high-impact sector performance grants; revising the guidelines for negotiating the award of high-impact sector performance grants; creating s. 288.1083, F.S.; creating the Manufacturing and Spaceport Investment Incentive Program within the Office of Tourism, Trade and Economic Development; providing a purpose; providing definitions; providing for refunds of sales and use taxes paid on certain equipment purchases; providing for allocation of refunds by the office; limiting the amount of individual refunds; providing application requirements and procedures; providing for priority of allocations; providing requirements and procedures for certification of refunds for eligible equipment purchases; providing procedures for allocating surplus amounts; providing refund limitations; requiring the office to adopt emergency rules; authorizing the office to establish guideline for demonstrating certain purchases; providing for future repeal; amending s. 288.1088, F.S.; revising the process for legislative consultation and review of Quick Action Closing Fund projects; authorizing certain Quick Action Closing Fund businesses to request renegotiation of their contracts; providing for review and approval of the requests; providing for the return of funds under certain circumstances; providing for the reappropriation of returned funds; providing for expiration; requiring that certain funds be placed in reserve; providing for the release of funds; providing for the reversion of funds; amending s. 288.1089, F.S.; revising the definitions of the term "jobs" for purposes of the Innovation Incentive Program; amending s. 288.125, F.S.; redefining the term "entertainment industry" to include digital media projects; amending s. 288.1251, F.S.; requiring the Office of Film and Entertainment to update its strategic plan every 5 years; deleting requirements for the Office of Film and Entertainment to represent certain decisionmakers within the entertainment industry and to act as a liaison between entertainment industry producers and labor organizations; amending s. 288.1252, F.S.; deleting obsolete provisions; deleting the requirement for the Commissioner of Film and Entertainment and a representative of the Florida Tourism Marketing Council to serve as ex officio members of the Film and Entertainment Advisory Council; amending s. 288.1253, F.S.; eliminating provisions authorizing the payment of travel expenses to persons other than employees of the Office of Film and Entertainment, the Governor and Lieutenant Governor, and security staff; providing for the payment of travel expenses through reimbursements; amending s. 288.1254, F.S.; revising the entertainment industry financial incentive program to provide corporate income tax and sales and use tax credits to qualified entertainment entities rather than reimbursements from appropriations; revising provisions relating to definitions, creation and

scope, application procedures, approval process, eligibility, required documents, qualified and certified productions, and annual reports; providing duties and responsibilities of the Office of Film and Entertainment, the Office of Tourism, Trade, and Economic Development, and the Department of Revenue relating to the tax credits; providing criteria and limitations for awards of tax credits; providing for uses, allocations, election, distributions, and carryforward of the tax credits; providing for withdrawal of tax credit eligibility; providing for use of consolidated returns; providing for partnership and noncorporate distributions of tax credits; providing for succession of tax credits; providing for relinquishment of tax credits; providing requirements for transfer of tax credits; authorizing the Office of Tourism, Trade, and Economic Development to adopt rules, policies, and procedures; authorizing the Department of Revenue to adopt rules and conduct audits; providing for revocation and forfeiture of tax credits; providing liability for reimbursement of certain costs and fees associated with a fraudulent claim; requiring an annual report to the Governor and the Legislature; providing for future repeal; amending s. 288.1258, F.S.; requiring the Office of Film and Entertainment to include in its records certain ratios of tax exemptions and incentives to the estimated funds expended by a certified production; creating s. 288.9552, F.S.; creating the Florida Research Commercialization Matching Grant Program; providing program purposes, goals and objectives; providing for administration of the program by the Florida Institute for the Commercialization of Public Research; providing eligibility guidelines; providing application guidelines; providing peer review guidelines; providing responsibilities of the program administrator; providing application review requirements and procedures; providing for grant awards; providing reporting requirements; providing for expiration unless reviewed and reenacted; amending s. 288.9625, F.S.; revising the purpose of the Institute for the Commercialization of Public Research; deleting a requirement that Enterprise Florida, Inc., contract with a state university to fulfill the purposes of the institute; revising the institute's powers and duties; requiring the institute to administer a matching grant program to provide financial assistance for certain early stage companies; amending ss. 288.9621, 288.9622, and 288.9623, F.S.; conforming a short title, revising legislative findings and intent, and providing definitions for the Florida Capital Formation Act; conforming cross-references; creating s. 288.9627, F.S.; providing for creation of the Florida Infrastructure Fund Partnership; providing the partnership's purpose and duties; providing for management of the partnership by the Florida Opportunity Fund; authorizing the fund to lend moneys to the partnership; requiring the partnership to raise funds from investment partners; providing for commitment agreements with and issuance of certificates to investment partners; authorizing the partnership to invest in certain infrastructure projects; requiring the partnership to submit an annual report to the Governor and Legislature; prohibiting the partnership and the fund from pledging the credit or taxing power of the state or its political subdivisions; prohibiting the partnership from investing in projects with or accepting investments from certain companies; creating s. 288.9628, F.S.; creating the Florida Infrastructure Investment Trust; providing for powers and duties, a board of trustees, and an administrative officer of the trust; providing for the trust's issuance of certificates to investment partners who invest in the partnership; specifying that the certificates are redeemable for tax credits under certain conditions; authorizing the trust to charge fees; limiting the amount of tax credits issued and the amount of tax credits that may be claimed or applied against state taxes in any year; providing for the redemption or sale of certificates; providing for the issuance of the tax credits by the Department of Revenue; specifying the taxes against which the credits may be applied; limiting the period within which tax credits may be used; providing for the state's obligation for use of the tax credits; limiting the liability of the fund; requiring the department to provide a certain written assurance to the trust under certain circumstances; specifying that certain provisions regulating securities transactions do not apply to certificates and tax credits transferred or sold under the act; amending s. 213.053, F.S.; authorizing the department to provide tax credit information to the partnership and the trust; amending s. 288.9913, F.S.; revising the definition of the term "qualified active low-income community business" for purposes of the New Markets Development Program Act; amending s. 288.9920, F.S.; extending the period within which a qualified community development entity may cure an investment deficiency; limiting the number of corrections permitted for qualified equity investments; amending s. 373.441, F.S.; revising provisions relating to adoption of rules relating to permitting; requiring the Department of Environmental Protection to adopt rules that authorize a local government to petition the Governor and Cabinet for certain delegation requests; requiring the Department of Environmental Protection to detail the statutes or rules that were not satisfied by a local government that made a request for delegation and to detail actions that could be taken to allow for delegation; authorizing a local government to petition the Governor and Cabinet to review the denial of a delegation request; providing for approval of a delegation of authority that meets the requirements of certain rule provisions; amending s. 403.061, F.S.; directing the Department of Environmental Protection to expand the use of online self-certification for certain exemptions and permits; limiting the authority of local governments to specify the method or form for documenting that projects qualify for exemptions or permits; amending s. 47 of chapter 2009-82, Laws of Florida; delaying the expiration of the Florida Homebuyer Opportunity Program; requiring the Office of Program Policy Analysis and Government Accountability to review the Enterprise Zone Program and submit a report of its findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives; requiring the Office of Program Policy Analysis and Government Accountability to review and evaluate the Research Commercialization Matching Grant Program and submit a report of its findings to the Governor, the President of the Senate, and the Speaker of the House of Representatives; extending the expiration dates of certain permits issued by the Department of Environmental Protection or a water management district; extending certain previously granted buildout dates; requiring a permitholder to notify the authorizing agency of its intended use of the extension; exempting certain permits from eligibility for an extension; providing for applicability of rules governing permits; declaring that certain provisions do not impair the authority of counties and municipalities under certain circumstances; providing legislative intent; reauthorizing certain exemptions, 2-year extensions, and local comprehensive plan amendments granted, authorized, or adopted under general law and in effect as of a certain date; providing construction; providing for retroactive application; authorizing the funds in specific appropriation 2649 of chapter 2008-152, Laws of Florida, to be used for additional space-related economic-development purposes; specifying requirements for fuel tank upgrades; extending certain fuel service facility order deadlines; specifying compliance requirements; requiring that construction contracts funded by state funds contain a provision requiring the contractor to give preference to the employment of state residents if they have substantially equal qualifications as nonresidents; defining the term "substantially equal qualifications"; providing a finding that the act fulfills an important state interest; providing severability; providing appropriations; providing effective dates.

Senator Gaetz moved the following amendments which were adopted:

Senate Amendment 1 (885052) (with title amendment) to House Amendment 1—Delete lines 3059-3449 and insert:

Section 32. Paragraph (f) of subsection (2) of section 14.2015, Florida Statutes, is amended to read:

14.2015 Office of Tourism, Trade, and Economic Development; creation; powers and duties.—

(2) The purpose of the Office of Tourism, Trade, and Economic Development is to assist the Governor in working with the Legislature, state agencies, business leaders, and economic development professionals to formulate and implement coherent and consistent policies and strategies designed to provide economic opportunities for all Floridians. To accomplish such purposes, the Office of Tourism, Trade, and Economic Development shall:

(f)1. Administer the Florida Enterprise Zone Act under ss. 290.001-290.016, the community contribution tax credit program under ss. 220.183 and 624.5105, the tax refund program for qualified target industry businesses under s. 288.106, the tax-refund program for qualified defense contractors and space flight business contractors under s. 288.1045, contracts for transportation projects under s. 288.063, the sports franchise facility *programs* ~~program~~ under *ss. 288.1162 and 288.11621* ~~s. 288.1162~~, the professional golf hall of fame facility program under s. 288.1168, the expedited permitting process under s. 403.973, the Rural Community Development Revolving Loan Fund under s. 288.065, the Regional Rural Development Grants Program under s. 288.018, the Certified Capital Company Act under s. 288.99, the Florida State Rural Development Council, the Rural Economic Development Initiative, and other programs that are specifically assigned to the office by law, by the appropriations process, or by the Governor. Notwith-

standing any other provisions of law, the office may expend interest earned from the investment of program funds deposited in the Grants and Donations Trust Fund to contract for the administration of the programs, or portions of the programs, enumerated in this paragraph or assigned to the office by law, by the appropriations process, or by the Governor. Such expenditures shall be subject to review under chapter 216.

2. The office may enter into contracts in connection with the fulfillment of its duties concerning the Florida First Business Bond Pool under chapter 159, tax incentives under chapters 212 and 220, tax incentives under the Certified Capital Company Act in chapter 288, foreign offices under chapter 288, the Enterprise Zone program under chapter 290, the Seaport Employment Training program under chapter 311, the Florida Professional Sports Team License Plates under chapter 320, Spaceport Florida under chapter 331, Expedited Permitting under chapter 403, and in carrying out other functions that are specifically assigned to the office by law, by the appropriations process, or by the Governor.

Section 33. Paragraph (d) of subsection (6) of section 212.20, Florida Statutes, is amended to read:

212.20 Funds collected, disposition; additional powers of department; operational expense; refund of taxes adjudicated unconstitutionally collected.—

(6) Distribution of all proceeds under this chapter and s. 202.18(1)(b) and (2)(b) shall be as follows:

(d) The proceeds of all other taxes and fees imposed pursuant to this chapter or remitted pursuant to s. 202.18(1)(b) and (2)(b) shall be distributed as follows:

1. In any fiscal year, the greater of $500 million, minus an amount equal to 4.6 percent of the proceeds of the taxes collected pursuant to chapter 201, or 5.2 percent of all other taxes and fees imposed pursuant to this chapter or remitted pursuant to s. 202.18(1)(b) and (2)(b) shall be deposited in monthly installments into the General Revenue Fund.

2. After the distribution under subparagraph 1., 8.814 percent of the amount remitted by a sales tax dealer located within a participating county pursuant to s. 218.61 shall be transferred into the Local Government Half-cent Sales Tax Clearing Trust Fund. Beginning July 1, 2003, the amount to be transferred shall be reduced by 0.1 percent, and the department shall distribute this amount to the Public Employees Relations Commission Trust Fund less $5,000 each month, which shall be added to the amount calculated in subparagraph 3. and distributed accordingly.

3. After the distribution under subparagraphs 1. and 2., 0.095 percent shall be transferred to the Local Government Half-cent Sales Tax Clearing Trust Fund and distributed pursuant to s. 218.65.

4. After the distributions under subparagraphs 1., 2., and 3., 2.0440 percent of the available proceeds shall be transferred monthly to the Revenue Sharing Trust Fund for Counties pursuant to s. 218.215.

5. After the distributions under subparagraphs 1., 2., and 3., 1.3409 percent of the available proceeds shall be transferred monthly to the Revenue Sharing Trust Fund for Municipalities pursuant to s. 218.215. If the total revenue to be distributed pursuant to this subparagraph is at least as great as the amount due from the Revenue Sharing Trust Fund for Municipalities and the former Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000, no municipality shall receive less than the amount due from the Revenue Sharing Trust Fund for Municipalities and the former Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000. If the total proceeds to be distributed are less than the amount received in combination from the Revenue Sharing Trust Fund for Municipalities and the former Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000, each municipality shall receive an amount proportionate to the amount it was due in state fiscal year 1999-2000.

6. Of the remaining proceeds:

a. In each fiscal year, the sum of $29,915,500 shall be divided into as many equal parts as there are counties in the state, and one part shall be distributed to each county. The distribution among the several counties must begin each fiscal year on or before January 5th and continue monthly for a total of 4 months. If a local or special law required that any moneys accruing to a county in fiscal year 1999-2000 under the then-existing provisions of s. 550.135 be paid directly to the district school board, special district, or a municipal government, such payment must continue until the local or special law is amended or repealed. The state covenants with holders of bonds or other instruments of indebtedness issued by local governments, special districts, or district school boards before July 1, 2000, that it is not the intent of this subparagraph to adversely affect the rights of those holders or relieve local governments, special districts, or district school boards of the duty to meet their obligations as a result of previous pledges or assignments or trusts entered into which obligated funds received from the distribution to county governments under then-existing s. 550.135. This distribution specifically is in lieu of funds distributed under s. 550.135 before July 1, 2000.

b. The department shall distribute $166,667 monthly pursuant to s. 288.1162 to each applicant ~~that has been~~ certified as a *facility for a new or retained professional sports franchise* ~~"facility for a new professional sports franchise" or a "facility for a retained professional sports franchise"~~ pursuant to s. 288.1162. Up to $41,667 shall be distributed monthly by the department to each *certified* applicant *as defined in s. 288.11621 for a facility for a spring training franchise.* ~~that has been certified as a "facility for a retained spring training franchise" pursuant to s. 288.1162;~~ However, not more than $416,670 may be distributed monthly in the aggregate to all certified *applicants for* facilities for ~~a retained~~ spring training *franchises* ~~franchise~~. Distributions ~~must~~ begin 60 days *after* ~~following~~ such certification and ~~shall~~ continue for not more than 30 years*, except as otherwise provided in s. 288.11621. A certified applicant identified in this sub-subparagraph may not* ~~This paragraph may not be construed to allow an applicant certified pursuant to s. 288.1162 to~~ receive more in distributions than ~~actually~~ expended by the applicant for the public purposes provided for in *s. 288.1162(5) or s. 288.11621(3)* ~~s. 288.1162(6)~~.

c. Beginning 30 days after notice by the Office of Tourism, Trade, and Economic Development to the Department of Revenue that an applicant has been certified as the professional golf hall of fame pursuant to s. 288.1168 and is open to the public, $166,667 shall be distributed monthly, for up to 300 months, to the applicant.

d. Beginning 30 days after notice by the Office of Tourism, Trade, and Economic Development to the Department of Revenue that the applicant has been certified as the International Game Fish Association World Center facility pursuant to s. 288.1169, and the facility is open to the public, $83,333 shall be distributed monthly, for up to 168 months, to the applicant. This distribution is subject to reduction pursuant to s. 288.1169. A lump sum payment of $999,996 shall be made, after certification and before July 1, 2000.

7. All other proceeds must remain in the General Revenue Fund.

Section 34. Section 218.64, Florida Statutes, is amended to read:

218.64 Local government half-cent sales tax; uses; limitations.—

(1) The proportion of the local government half-cent sales tax received by a county government based on two-thirds of the incorporated area population shall be deemed countywide revenues and shall be expended only for countywide tax relief or countywide programs. The remaining county government portion shall be deemed county revenues derived on behalf of the unincorporated area but may be expended on a countywide basis.

(2) Municipalities shall expend their portions of the local government half-cent sales tax only for municipality-wide programs or for municipality-wide property tax or municipal utility tax relief. All utility tax rate reductions afforded by participation in the local government half-cent sales tax shall be applied uniformly across all types of taxed utility services.

(3) Subject to ordinances enacted by the majority of the members of the county governing authority and by the majority of the members of the governing authorities of municipalities representing at least 50 percent of the municipal population of such county, counties may use up to $2 million annually of the local government half-cent sales tax allocated to that county for funding for any of the following applicants:

(a) A certified applicant as a *facility for a new or retained professional sports franchise under* ~~"facility for a new professional sports franchise," a "facility for a retained professional sports franchise," or a "facility for a retained spring training franchise," as provided for in~~ s. 288.1162 *or a certified applicant as defined in s. 288.11621 for a facility for a spring training franchise*. It is the Legislature's intent that the provisions of s. 288.1162, including, but not limited to, the evaluation process by the Office of Tourism, Trade, and Economic Development except for the limitation on the number of certified applicants or facilities as provided in that section and the restrictions set forth in *s. 288.1162(8)* ~~s. 288.1162(9)~~, shall apply to an applicant's facility to be funded by local government as provided in this subsection.

(b) A certified applicant as a "motorsport entertainment complex," as provided for in s. 288.1171. Funding for each franchise or motorsport complex shall begin 60 days after certification and shall continue for not more than 30 years.

(4) A local government is authorized to pledge proceeds of the local government half-cent sales tax for the payment of principal and interest on any capital project.

Section 35. Section 288.1162, Florida Statutes, is amended to read:

288.1162 Professional sports franchises; ~~spring training franchises;~~ duties.—

(1) The Office of Tourism, Trade, and Economic Development shall serve as the state agency for screening applicants for state funding *under* ~~pursuant to~~ s. 212.20 and for certifying an applicant as a *facility for a new or retained professional sports franchise.* ~~"facility for a new professional sports franchise," a "facility for a retained professional sports franchise," or a "facility for a retained spring training franchise."~~

(2) The Office of Tourism, Trade, and Economic Development shall develop rules for the receipt and processing of applications for funding *under* ~~pursuant to~~ s. 212.20.

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

(a) "New professional sports franchise" means a professional sports franchise that *was* ~~is~~ not based in this state *before* ~~prior to~~ April 1, 1987.

(b) "Retained professional sports franchise" means a professional sports franchise that has had a league-authorized location in this state on or before December 31, 1976, and has continuously remained at that location, and has never been located at a facility that has been previously certified under any provision of this section.

(4) *Before* ~~Prior to~~ certifying an applicant as a *facility for a new or retained professional sports franchise,* ~~"facility for a new professional sports franchise" or a "facility for a retained professional sports franchise,"~~ the Office of Tourism, Trade, and Economic Development must determine that:

(a) A "unit of local government" as defined in s. 218.369 is responsible for the construction, management, or operation of the professional sports franchise facility or holds title to the property on which the professional sports franchise facility is located.

(b) The applicant has a verified copy of a signed agreement with a new professional sports franchise for the use of the facility for a term of at least 10 years, or in the case of a retained professional sports franchise, an agreement for use of the facility for a term of at least 20 years.

(c) The applicant has a verified copy of the approval from the governing authority of the league in which the new professional sports franchise exists authorizing the location of the professional sports franchise in this state after April 1, 1987, or in the case of a retained professional sports franchise, verified evidence that it has had a league-authorized location in this state on or before December 31, 1976. *As used in this section,* the term "league" means the National League or the American League of Major League Baseball, the National Basketball Association, the National Football League, or the National Hockey League.

(d) The applicant has projections, verified by the Office of Tourism, Trade, and Economic Development, which demonstrate that the new or retained professional sports franchise will attract a paid attendance of more than 300,000 annually.

(e) The applicant has an independent analysis or study, verified by the Office of Tourism, Trade, and Economic Development, which demonstrates that the amount of the revenues generated by the taxes imposed under chapter 212 with respect to the use and operation of the professional sports franchise facility will equal or exceed $2 million annually.

(f) The municipality in which the facility for a new or retained professional sports franchise is located, or the county if the facility for a new or retained professional sports franchise is located in an unincorporated area, has certified by resolution after a public hearing that the application serves a public purpose.

(g) The applicant has demonstrated that it has provided, is capable of providing, or has financial or other commitments to provide more than one-half of the costs incurred or related to the improvement and development of the facility.

(h) *An* ~~No~~ applicant previously certified under any provision of this section who has received funding under such certification *is not* ~~shall be~~ eligible for an additional certification.

~~(5)(a) As used in this section, the term "retained spring training franchise" means a spring training franchise that has been based in this state prior to January 1, 2000.~~

~~(b) Prior to certifying an applicant as a "facility for a retained spring training franchise," the Office of Tourism, Trade, and Economic Development must determine that:~~

~~1. A "unit of local government" as defined in s. 218.369 is responsible for the acquisition, construction, management, or operation of the facility for a retained spring training franchise or holds title to the property on which the facility for a retained spring training franchise is located.~~

~~2. The applicant has a verified copy of a signed agreement with a retained spring training franchise for the use of the facility for a term of at least 15 years.~~

~~3. The applicant has a financial commitment to provide 50 percent or more of the funds required by an agreement for the acquisition, construction, or renovation of the facility for a retained spring training franchise. The agreement can be contingent upon the awarding of funds under this section and other conditions precedent to use by the spring training franchise.~~

~~4. The applicant has projections, verified by the Office of Tourism, Trade, and Economic Development, which demonstrate that the facility for a retained spring training franchise will attract a paid attendance of at least 50,000 annually.~~

~~5. The facility for a retained spring training franchise is located in a county that is levying a tourist development tax pursuant to s. 125.0104.~~

~~(c)1. The Office of Tourism, Trade, and Economic Development shall competitively evaluate applications for funding of a facility for a retained spring training franchise. Applications must be submitted by October 1, 2000, with certifications to be made by January 1, 2001. If the number of applicants exceeds five and the aggregate funding request of all applications exceeds $208,335 per month, the office shall rank the applications according to a selection criteria, certifying the highest ranked proposals. The evaluation criteria shall include, with priority given in descending order to the following items:~~

~~a. The intended use of the funds by the applicant, with priority given to the construction of a new facility.~~

~~b. The length of time that the existing franchise has been located in the state, with priority given to retaining franchises that have been in the same location the longest.~~

~~c. The length of time that a facility to be used by a retained spring training franchise has been used by one or more spring training franchises, with priority given to a facility that has been in continuous use as a facility for spring training the longest.~~

~~d. For those teams leasing a spring training facility from a unit of local government, the remaining time on the lease for facilities used by the spring training franchise, with priority given to the shortest time period remaining on the lease.~~

~~e. The duration of the future use agreement with the retained spring training franchise, with priority given to the future-use agreement having the longest duration.~~

~~f. The amount of the local match, with priority given to the largest percentage of local match proposed.~~

~~g. The net increase of total active recreation space owned by the applying unit of local government following the acquisition of land for the spring training facility, with priority given to the largest percentage increase of total active recreation space.~~

~~h. The location of the facility in a brownfield, an enterprise zone, a community redevelopment area, or other area of targeted development or revitalization included in an Urban Infill Redevelopment Plan, with priority given to facilities located in these areas.~~

~~i. The projections on paid attendance attracted by the facility and the proposed effect on the economy of the local community, with priority given to the highest projected paid attendance.~~

~~2. Beginning July 1, 2006, the Office of Tourism, Trade, and Economic Development shall competitively evaluate applications for funding of facilities for retained spring training franchises in addition to those certified and funded under subparagraph 1. An applicant that is a unit of government that has an agreement for a retained spring training franchise for 15 or more years which was entered into between July 1, 2003, and July 1, 2004, shall be eligible for funding. Applications must be submitted by October 1, 2006, with certifications to be made by January 1, 2007. The office shall rank the applications according to selection criteria, certifying no more than five proposals. The aggregate funding request of all applicants certified shall not exceed an aggregate funding request of $208,335 per month. The evaluation criteria shall include the following, with priority given in descending order:~~

~~a. The intended use of the funds by the applicant for acquisition or construction of a new facility.~~

~~b. The intended use of the funds by the applicant to renovate a facility.~~

~~c. The length of time that a facility to be used by a retained spring training franchise has been used by one or more spring training franchises, with priority given to a facility that has been in continuous use as a facility for spring training the longest.~~

~~d. For those teams leasing a spring training facility from a unit of local government, the remaining time on the lease for facilities used by the spring training franchise, with priority given to the shortest time period remaining on the lease. For consideration under this subparagraph, the remaining time on the lease shall not exceed 5 years, unless an agreement of 15 years or more was entered into between July 1, 2003, and July 1, 2004.~~

~~e. The duration of the future use agreement with the retained spring training franchise, with priority given to the future-use agreement having the longest duration.~~

~~f. The amount of the local match, with priority given to the largest percentage of local match proposed.~~

~~g. The net increase of total active recreation space owned by the applying unit of local government following the acquisition of land for the spring training facility, with priority given to the largest percentage increase of total active recreation space.~~

~~h. The location of the facility in a brownfield area, an enterprise zone, a community redevelopment area, or another area of targeted development or revitalization included in an urban infill redevelopment plan, with priority given to facilities located in those areas.~~

~~i. The projections on paid attendance attracted by the facility and the proposed effect on the economy of the local community, with priority given to the highest projected paid attendance.~~

~~(d) Funds may not be expended to subsidize privately owned and maintained facilities for use by the spring training franchise. Funds may be used to relocate a retained spring training franchise to another unit of local government only if the existing unit of local government with the retained spring training franchise agrees to the relocation.~~

(5)~~(6)~~ An applicant certified as a facility for a new *or retained* professional sports franchise ~~or a facility for a retained professional sports franchise or as a facility for a retained spring training franchise~~ may use funds provided *under* ~~pursuant to~~ s. 212.20 only for the public purpose of paying for the acquisition, construction, reconstruction, or renovation of a facility for a new *or retained* professional sports franchise~~, a facility for a retained professional sports franchise, or a facility for a retained spring training franchise or~~ to pay or pledge for the payment of debt service on, or to fund debt service reserve funds, arbitrage rebate obligations, or other amounts payable with respect to, bonds issued for the acquisition, construction, reconstruction, or renovation of such facility or for the reimbursement of such costs or the refinancing of bonds issued for such purposes.

(6)~~(7)~~(a) The Office of Tourism, Trade, and Economic Development shall notify the Department of Revenue of any facility certified as a facility for a new *or retained* professional sports franchise ~~or a facility for a retained professional sports franchise or as a facility for a retained spring training franchise~~. The Office of Tourism, Trade, and Economic Development shall certify no more than eight facilities as facilities for a new professional sports franchise or as facilities for a retained professional sports franchise, including in *the* ~~such~~ total any facilities certified by the *former* Department of Commerce before July 1, 1996. ~~The number of facilities certified as a retained spring training franchise shall be as provided in subsection (5).~~ The office may make no more than one certification for any facility. ~~The office may not certify funding for less than the requested amount to any applicant certified as a facility for a retained spring training franchise.~~

(b) The eighth certification of an applicant under this section as a facility for a new *or retained* professional sports franchise ~~or a facility for a retained professional sports franchise~~ shall be for a franchise that is a member of the National Basketball Association, has been located within the state since 1987, and has not been previously certified. This paragraph is repealed July 1, 2010.

(7)~~(8)~~ The *Auditor General* ~~Department of Revenue~~ may *conduct audits* ~~audit~~ as provided in *s. 11.45* ~~s. 213.34~~ to verify that the distributions *under* ~~pursuant to~~ this section *are* ~~have been~~ expended as required in this section. ~~Such information is subject to the confidentiality requirements of chapter 213.~~ If the *Auditor General* ~~Department of Revenue~~ determines that the distributions *under* ~~pursuant to~~ this section *are* ~~have~~ not ~~been~~ expended as required by this section, *the Auditor General shall notify the Department of Revenue, which* ~~it~~ may pursue recovery of *the* ~~such~~ funds *under* ~~pursuant to~~ the laws and rules governing the assessment of taxes.

(8)~~(9)~~ An applicant is not qualified for certification under this section if the franchise formed the basis for a previous certification, unless the previous certification was withdrawn by the facility or invalidated by the Office of Tourism, Trade, and Economic Development or the *former* Department of Commerce before any funds were distributed *under* ~~pursuant to~~ s. 212.20. This subsection does not disqualify an applicant if the previous certification occurred between May 23, 1993, and May 25, 1993; however, any funds to be distributed *under* ~~pursuant to~~ s. 212.20 for the second certification shall be offset by the amount distributed to the previous certified facility. Distribution of funds for the second certification shall not be made until all amounts payable for the first certification *are* ~~have been~~ distributed.

Section 36. Section 288.11621, Florida Statutes, is created to read:

288.11621 Spring training baseball franchises.—

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

(a) "Agreement" means a certified, signed lease between an applicant that applies for certification on or after July 1, 2010, and the spring training franchise for the use of a facility.

(b) "Applicant" means a unit of local government as defined in s. 218.369, including local governments located in the same county that

have partnered with a certified applicant before the effective date of this section or with an applicant for a new certification, for purposes of sharing in the responsibilities of a facility.

(c) "Certified applicant" means a facility for a spring training franchise that was certified before July 1, 2010, under s. 288.1162(5), Florida Statutes 2009, or a unit of local government that is certified under this section.

(d) "Facility" means a spring training stadium, playing fields, and appurtenances intended to support spring training activities.

(e) "Local funds" and "local matching funds" mean funds provided by a county, municipality, or other local government.

(f) "Office" means the Office of Tourism, Trade, and Economic Development.

(2) CERTIFICATION PROCESS.—

(a) Before certifying an applicant to receive state funding for a facility for a spring training franchise, the office must verify that:

1. The applicant is responsible for the acquisition, construction, management, or operation of the facility for a spring training franchise or holds title to the property on which the facility for a spring training franchise is located.

2. The applicant has a certified copy of a signed agreement with a spring training franchise for the use of the facility for a term of at least 20 years. The agreement also must require the franchise to reimburse the state for state funds expended by an applicant under this section if the franchise relocates before the agreement expires. The agreement may be contingent on an award of funds under this section and other conditions precedent.

3. The applicant has made a financial commitment to provide 50 percent or more of the funds required by an agreement for the acquisition, construction, or renovation of the facility for a spring training franchise. The commitment may be contingent upon an award of funds under this section and other conditions precedent.

4. The applicant demonstrates that the facility for a spring training franchise will attract a paid attendance of at least 50,000 annually to the spring training games.

5. The facility for a spring training franchise is located in a county that levies a tourist development tax under s. 125.0104.

(b) The office shall competitively evaluate applications for state funding of a facility for a spring training franchise. The total number of certifications may not exceed 10 at any time. The evaluation criteria must include, with priority given in descending order to, the following items:

1. The anticipated effect on the economy of the local community where the spring training facility is to be built, including projections on paid attendance, local and state tax collections generated by spring training games, and direct and indirect job creation resulting from the spring training activities. Priority shall be given to applicants who can demonstrate the largest projected economic impact.

2. The amount of the local matching funds committed to a facility relative to the amount of state funding sought, with priority given to applicants that commit the largest amount of local matching funds relative to the amount of state funding sought.

3. The potential for the facility to serve multiple uses.

4. The intended use of the funds by the applicant, with priority given to the funds being used to acquire a facility, construct a new facility, or renovate an existing facility.

5. The length of time that a spring training franchise has been under an agreement to conduct spring training activities within an applicant's geographic location or jurisdiction, with priority given to applicants having agreements with the same franchise for the longest period of time.

6. The length of time that an applicant's facility has been used by one or more spring training franchises, with priority given to applicants whose facilities have been in continuous use as facilities for spring training the longest.

7. The term remaining on a lease between an applicant and a spring training franchise for a facility, with priority given to applicants having the shortest lease terms remaining.

8. The length of time that a spring training franchise agrees to use an applicant's facility if an application is granted under this section, with priority given to applicants having agreements for the longest future use.

9. The net increase of total active recreation space owned by the applicant after an acquisition of land for the facility, with priority given to applicants having the largest percentage increase of total active recreation space that will be available for public use.

10. The location of the facility in a brownfield, an enterprise zone, a community redevelopment area, or other area of targeted development or revitalization included in an urban infill redevelopment plan, with priority given to applicants having facilities located in these areas.

(c) Each applicant certified on or after July 1, 2010, shall enter into an agreement with the office that:

1. Specifies the amount of the state incentive funding to be distributed.

2. States the criteria that the certified applicant must meet in order to remain certified.

3. States that the certified applicant is subject to decertification if the certified applicant fails to comply with this section or the agreement.

4. States that the office may recover state incentive funds if the certified applicant is decertified.

5. Specifies information that the certified applicant must report to the office.

6. Includes any provision deemed prudent by the office.

(3) USE OF FUNDS.—

(a) A certified applicant may use funds provided under s. 212.20(6)(d) 6.b. only to:

1. Serve the public purpose of acquiring, constructing, reconstructing, or renovating a facility for a spring training franchise.

2. Pay or pledge for the payment of debt service on, or to fund debt service reserve funds, arbitrage rebate obligations, or other amounts payable with respect thereto, bonds issued for the acquisition, construction, reconstruction, or renovation of such facility, or for the reimbursement of such costs or the refinancing of bonds issued for such purposes.

3. Assist in the relocation of a spring training franchise from one unit of local government to another only if the governing board of the current host local government by a majority vote agrees to relocation.

(b) State funds awarded to a certified applicant for a facility for a spring training franchise may not be used to subsidize facilities that are privately owned, maintained, and used only by a spring training franchise.

(c) The Department of Revenue may not distribute funds to an applicant certified on or after July 1, 2010, until it receives notice from the office that the certified applicant has encumbered funds under subparagraph (a)2.

(d)1. All certified applicants must place unexpended state funds received pursuant to s. 212.20(6)(d)6.b. in a trust fund or separate account for use only as authorized in this section.

2. A certified applicant may request that the Department of Revenue suspend further distributions of state funds made available under s. 212.20(6)(d)6.b. for 12 months after expiration of an existing agreement with a spring training franchise to provide the certified applicant with an opportunity to enter into a new agreement with a spring training franchise, at which time the distributions shall resume.

3. The expenditure of state funds distributed to an applicant certified before July 1, 2010, must begin within 48 months after the initial receipt of the state funds. In addition, the construction of, or capital improvements to, a spring training facility must be completed within 24 months after the project's commencement.

(4) ANNUAL REPORTS.—On or before September 1 of each year, a certified applicant shall submit to the office a report that includes, but is not limited to:

(a) A copy of its most recent annual audit.

(b) A detailed report on all local and state funds expended to date on the project being financed under this section.

(c) A copy of the contract between the certified local governmental entity and the spring training team.

(d) A cost-benefit analysis of the team's impact on the community.

(e) Evidence that the certified applicant continues to meet the criteria in effect when the applicant was certified.

(5) DECERTIFICATION.—

(a) The office shall decertify a certified applicant upon the request of the certified applicant.

(b) The office shall decertify a certified applicant if the certified applicant does not:

1. Have a valid agreement with a spring training franchise;

2. Satisfy its commitment to provide local matching funds to the facility; or

However, decertification proceedings against a local government certified before July 1, 2010, shall be delayed until 12 months after the expiration of the local government's existing agreement with a spring training franchise, and without a new agreement being signed, if the certified local government can demonstrate to the office that it is in active negotiations with a major league spring training franchise, other than the franchise that was the basis for the original certification.

(c) A certified applicant has 60 days after it receives a notice of intent to decertify from the office to petition the office's director for review of the decertification. Within 45 days after receipt of the request for review, the director must notify a certified applicant of the outcome of the review.

(d) The office shall notify the Department of Revenue that a certified applicant is decertified within 10 days after the order of decertification becomes final. The Department of Revenue shall immediately stop the payment of any funds under this section that were not encumbered by the certified applicant under subparagraph (3)(a)2.

(e) The office shall order a decertified applicant to repay all of the unencumbered state funds that the local government received under this section and any interest that accrued on those funds. The repayment must be made within 60 days after the decertification order becomes final. These funds shall be deposited into the General Revenue Fund.

(f) A local government as defined in s. 218.369 may not be decertified if it has paid or pledged for the payment of debt service on, or to fund debt service reserve funds, arbitrage rebate obligations, or other amounts payable with respect thereto, bonds issued for the acquisition, construction, reconstruction, or renovation of the facility for which the local government was certified, or for the reimbursement of such costs or the refinancing of bonds issued for the acquisition, construction, reconstruction, or renovation of the facility for which the local government was certified, or for the reimbursement of such costs or the refinancing of bonds issued for such purpose. This subsection does not preclude or restrict the ability of a certified local government to refinance, refund, or defease such bonds.

(6) ADDITIONAL CERTIFICATIONS.—If the office decertifies a unit of local government, the office may accept applications for an additional certification. A unit of local government may not be certified for more than one spring training franchise at any time.

(7) STRATEGIC PLANNING.—

(a) The office shall request assistance from the Florida Sports Foundation and the Florida Grapefruit League Association to develop a comprehensive strategic plan to:

1. Finance spring training facilities.

2. Monitor and oversee the use of state funds awarded to applicants.

3. Identify the financial impact that spring training has on the state and ways in which to maintain or improve that impact.

4. Identify opportunities to develop public-private partnerships to engage in marketing activities and advertise spring training baseball.

5. Identify efforts made by other states to maintain or develop partnerships with baseball spring training teams.

6. Develop recommendations for the Legislature to sustain or improve this state's spring training tradition.

(b) The office shall submit a copy of the strategic plan to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 31, 2010.

(8) RULEMAKING.—The office shall adopt rules to implement the certification, decertification, and decertification review processes required by this section.

(9) AUDITS.—The Auditor General may conduct audits as provided in s. 11.45 to verify that the distributions under this section are expended as required in this section. If the Auditor General determines that the distributions under this section are not expended as required by this section, the Auditor General shall notify the Department of Revenue, which may pursue recovery of the funds under the laws and rules governing the assessment of taxes.

Section 37. Subsection (1) of section 288.1229, Florida Statutes, is amended to read:

288.1229 Promotion and development of sports-related industries and amateur athletics; direct-support organization; powers and duties.—

(1) The Office of Tourism, Trade, and Economic Development may authorize a direct-support organization to assist the office in:

(a) The promotion and development of the sports industry and related industries for the purpose of improving the economic presence of these industries in Florida.

(b) The promotion of amateur athletic participation for the citizens of Florida and the promotion of Florida as a host for national and international amateur athletic competitions for the purpose of encouraging and increasing the direct and ancillary economic benefits of amateur athletic events and competitions.

(c) The retention of professional sports franchises, including the spring training operations of Major League Baseball.

Section 38. *An agreement with a spring training franchise relocating from one local government to another local government shall be recognized as a valid agreement under this act if the Office of Tourism, Trade, and Economic Development approved the continuing release of funds to the local government to which the franchise relocated before the effective date of this act. The Legislature recognizes the validity of the agreement and acknowledges the authority of the Office of Tourism, Trade, and Economic Development to provide for the continuing release of funds to the local government under the terms of s. 288.1162, Florida Statutes, which were in effect before the effective date of this act.*

And the title is amended as follows:

Delete lines 4171-4209 and insert: assistance for certain early stage companies; amending ss. 14.2015, 212.20, and 218.64, F.S., relating to the Office of Tourism, Trade, and Economic Development, the distribution of certain tax proceeds, and the allocation of a portion of the local government half-cent sales tax; conforming provisions to changes made by the act; conforming cross-references; amending s. 288.1162, F.S.; deleting provisions relating to the certification and funding of facilities for spring training baseball franchises; authorizing the Auditor General

to conduct audits to verify whether certain funds for professional sports franchises are used as required by law; requiring the Auditor General to notify the Department of Revenue if the funds are not used as required by law; creating s. 288.11621, F.S.; authorizing certain units of local government to apply for certification to receive state funding for a facility for a spring training franchise; providing definitions; providing eligibility requirements; providing criteria to competitively evaluate applications for certification; requiring a certified applicant to use the funds awarded for specified public purposes and place unexpended funds in a trust fund or separate account; authorizing a certified applicant to request a suspension of the distribution of funds for a specified period under certain circumstances; requiring the expenditure of funds by certain certified applicants within a specified period; requiring the completion of certain spring training facility projects within a specified period; requiring certified applicants to submit annual reports to the Office of Tourism, Trade, and Economic Development; requiring the office to decertify applicants under certain circumstances; providing for delay in decertification proceedings for local governments certified before a specified date under certain circumstances; providing for review of the office's notice of intent to decertify an applicant; requiring an applicant to repay unencumbered state funds and interest after decertification; specifying circumstances under which a certified applicant that is a local government may not be decertified under certain circumstances; requiring the office to develop a strategic plan relating to baseball spring training activities; requiring the office to adopt rules; authorizing the Auditor General to conduct audits to verify whether certified funds for baseball spring training facilities are used as required by law; requiring the Auditor General to notify the Department of Revenue if the funds are not used as required by law; amending s. 288.1229, F.S.; providing that the Office of Tourism, Trade, and Economic Development may authorize a direct-support organization to assist in the retention of professional sports franchises; recognizing the validity of specified agreements under certain circumstances; amending s.

Senate Amendment 2 (428768) to House Amendment 1—Between lines 3925 and 3926 insert:

(9) The sum of $3.6 million in nonrecurring funds from the General Revenue Fund for Space Florida to address infrastructure projects to assist in the continued development of the aerospace industry in this state and management of state-of-the-art facilities for space businesses that will create high-technology, high-wage-earning jobs.

Section 53. *Effective July 1, 2010, for the 2010-2011 state fiscal year, there is appropriated to the Department of Environmental Protection the sum of $1 million in nonrecurring funds from the General Revenue Fund for beach restoration.*

On motion by Senator Gaetz, the Senate concurred in **House Amendment 1** as amended and requested the House to concur in the Senate amendments to the House amendment.

CS for SB 1752 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—39

Mr. President	Fasano	Oelrich
Alexander	Gaetz	Peaden
Altman	Garcia	Rich
Aronberg	Gardiner	Richter
Baker	Gelber	Ring
Bennett	Haridopolos	Siplin
Bullard	Hill	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 to Nay—Bullard

MOTIONS

On motion by Senator Villalobos, the rules were waived and time of recess was extended until completion of **CS for CS for SB 1182**, motions and announcements.

SPECIAL ORDER CALENDAR, continued

CS for CS for SB 1182—A bill to be entitled An act relating to motor vehicles; amending s. 261.03, F.S.; redefining the term "ROV"; amending s. 316.1905, F.S.; authorizing the use of speed calculating devices; requiring evidence of certain violations to be based upon the use of such devices; providing exceptions; conforming provisions; amending s. 316.1951, F.S.; removing a requirement that the Department of Highway Safety and Motor Vehicles adopt a uniform written notice to be used to enforce provisions that prohibit parking a motor vehicle on certain property for the purpose of displaying the motor vehicle as being for sale, hire, or rental; removing a requirement that each law enforcement agency provide its own notice for such enforcement; authorizing a code enforcement officer from any local government agency to enforce such provisions; providing that the owner of a vehicle parked in violation of such provisions is subject to a fine in addition to towing and storage fees; providing procedures for the release of an impounded vehicle; amending s. 317.0003, F.S.; redefining the term "ROV"; amending s. 318.14, F.S.; providing a lifetime limitation on the number of times a person may elect to attend a driver improvement course in lieu of a court appearance; amending s. 318.18, F.S.; specifying a fine for a vehicle that is displayed for sale, hire, or rental in violation of such provisions; providing for the disposition of such fines; amending s. 319.225, F.S.; prohibiting the department from requiring the signature of the transferor to be notarized on certain motor vehicle title transfer forms relating to mileage of the vehicle; requiring the forms to include an affidavit declaring facts in the document to be true; amending s. 319.23, F.S.; providing that, under certain circumstances, a motor vehicle dealer is not required to apply for a certificate of title for a motor vehicle sold to a general purchaser who resides outside the state; amending s. 320.02, F.S.; directing the department to place the name of the owner of a motor vehicle on the list of persons who may not be issued a license plate or revalidation sticker if that person is on a list submitted to the department by a licensed dealer; amending s. 320.27, F.S.; clarifying an exemption from certain dealer prelicensing requirements; removing a requirement for evaluation of privatized applicant training methods; limiting the issuance to a licensed dealer of supplemental off-premises sale licenses; authorizing dealer records to be kept in either paper or electronic form; providing procedures for transfer of documents to electronic form; authorizing a dealer training school to cancel the training certificate issued to a student for certain actions relating to payments made to the school; amending s. 322.0261, F.S.; providing an exemption from a requirement to attend a driver improvement course for drivers if adjudication is withheld by the court; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for CS for SB 1182** to **CS for CS for CS for HB 631**.

Pending further consideration of **CS for CS for SB 1182** as amended, on motion by Senator Crist, by two-thirds vote **CS for CS for CS for HB 631** was withdrawn from the Committees on Transportation; Community Affairs; and Transportation and Economic Development Appropriations.

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

CS for CS for CS for HB 631—A bill to be entitled An act relating to motor vehicles; amending ss. 261.03 and 317.0003, F.S.; redefining the term "ROV" for purposes of provisions relating to off-highway vehicles to include vehicles of increased width and weight; amending s. 316.1951, F.S.; removing a requirement that the Department of Highway Safety and Motor Vehicles adopt a uniform written notice to be used to enforce provisions that prohibit parking a motor vehicle on certain property for the purpose of displaying the motor vehicle as being for sale, hire, or rental; removing a requirement that each law enforcement agency provide its own notice for such enforcement; authorizing a local government to adopt an ordinance to enforce such provisions; authorizing a code enforcement officer from any local government agency to enforce such

provisions; providing for immediate removal of a motor vehicle in violation of specified provisions; providing for assessment of a fine in addition to towing and storage fees; requiring a release form prescribed by the department to be completed before release of the motor vehicle; amending s. 318.14, F.S.; providing a lifetime limitation on the number of times a person may elect to attend a driver improvement course in lieu of appearing in court for certain traffic infractions; amending s. 318.18, F.S.; specifying a fine for a vehicle that is displayed for sale, hire, or rental in violation of such provisions; providing for disposition of fines collected; amending s. 319.225, F.S.; prohibiting the department from requiring the signature of the transferor to be notarized on certain motor vehicle title transfer forms relating to mileage of the vehicle; requiring the forms to include an affidavit declaring facts in the document to be true; amending s. 319.23, F.S.; providing that, under certain circumstances, a motor vehicle dealer is not required to apply for a certificate of title for a motor vehicle sold to a general purchaser who resides outside the state; amending s. 319.241, F.S.; revising provisions relating to an application for the removal of a lien from the files of the department or from the certificate of title; authorizing the department to remove the lien from its files within a specified period after receiving an application for a derelict motor vehicle certificate and notification to the lienholder, unless a written statement protesting such removal is received; amending s. 319.30, F.S.; revising definitions; revising requirements for disposition of a motor vehicle, recreational vehicle, or mobile home that is sold, transported, or delivered to a salvage motor vehicle dealer or a secondary metals recycler; requiring certificates of title to conform to specified provisions; providing for the dealer or recycler to apply to the department for a derelict motor vehicle certificate if the certificate of title, salvage certificate of title, or certificate of destruction is not available; requiring the derelict motor vehicle certificate application to be completed by the seller or owner of the motor vehicle or mobile home, the seller's or owner's authorized transporter, or the dealer or recycler; requiring certain identification information be included with the application; revising the types of documentation that a secondary metals recycler must obtain; permitting recyclers to obtain salvage certificates of title from sellers or owners as a valid method of documentation; providing that a person engaged in the business of recovering, towing, or storing vehicles may not claim certain liens, claim that certain vehicles have remained on any premises after tenancy has terminated, or use the derelict motor vehicle certificate application to transport, sell, or dispose of a motor vehicle at a salvage motor vehicle dealer or secondary metals recycler without otherwise obtaining title to the vehicle or a certificate of destruction; requiring that the department accept all properly endorsed and completed derelict motor vehicle certificate applications and issue such certification having an effective date that authorizes when the vehicle is eligible for dismantling or destruction; requiring that such electronic information be stored and made available to authorized persons; requiring that all licensed salvage motor vehicle dealers or registered secondary metals recyclers make all payments for the purchase of any derelict motor vehicle that is sold by a seller who is not the owner of record by check or money order; amending s. 320.02, F.S.; directing the department to place the name of the owner of a motor vehicle on the list of persons who may not be issued a license plate or revalidation sticker if that person is on a list submitted to the department by a licensed dealer; amending s. 320.27, F.S.; clarifying an exemption from certain dealer prelicensing requirements; removing a requirement for evaluation of privatized applicant training methods; authorizing dealer records to be kept in either paper or electronic form; providing procedures for transfer of documents to electronic form; authorizing the department to deny, suspend, or revoke a dealer's license for certain actions relating to payments made to the department; authorizing a dealer training school to cancel the training certificate issued to a student for certain actions relating to payments made to the school; amending s. 322.0261, F.S.; revising provisions requiring persons who were convicted of or who pleaded nolo contendere to specified traffic infractions to attend a driver improvement course; providing that the department shall not require a person to attend a driver improvement course for specified traffic violations when adjudication has been withheld by the court; requiring the department to send notice of a requirement to attend a driver improvement course within a certain time period after receiving a report of an adjudication; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1182** as amended and by two-thirds vote read the second time by title.

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:

Amendment 1 (852148)—Delete lines 1130-1142 and insert:

(4) The department shall identify any operator convicted of~~, or who pleaded nolo contendere to,~~ a violation of s. 316.074(1), s. 316.075(1)(c)1., s. 316.172, s. 316.191, or s. 316.192 and shall require that operator, in addition to other applicable penalties, to attend a department-approved driver improvement course in order to maintain driving privileges. *The department shall, within 10 days after receiving a notice of judicial disposition, send notice to the operator of the requirement to attend a driver improvement course. Notwithstanding any other provision of law, a driver who enters a plea of nolo contendere to a violation of s. 316.074(1), s. 316.075(1)(c)1., s. 316.191, or s. 316.192 for which the court withholds adjudication is not required to attend a driver improvement course if the court finds that the nature or severity of the violation is such that attendance to a driver improvement course is not necessary.* If the operator fails to complete the course within 90 days after receiving notice from the department, the operator's driver license shall be canceled by the department until the course is successfully completed.

On motion by Senator Crist, further consideration of **CS for CS for CS for HB 631** with pending **Amendment 1 (852148)** was deferred.

MOTIONS

On motion by Senator Villalobos, by two-thirds vote all bills remaining on the Special Order Calendar this day were placed on the Special Order Calendar for Friday, April 30.

On motion by Senator Villalobos, the rules were waived and a deadline of one hour after the availability of engrossed bills was set for filing amendments to Bills on Third Reading to be considered Friday, April 30.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

EXECUTIVE APPOINTMENTS SUBJECT TO CONFIRMATION BY THE SENATE:

The Secretary of State has certified that pursuant to the provisions of section 114.05, Florida Statutes, certificates subject to confirmation by the Senate have been prepared for the following:

Office and Appointment	*For Term Ending*
Board of Directors, Prison Rehabilitative Industries and Diversified Enterprises, Inc.	
Appointee: Hanas, Richard L., Oviedo	09/30/2013

Referred to the Committee on Ethics and Elections.

REPORTS OF COMMITTEE RELATING TO EXECUTIVE BUSINESS

The Honorable Jeff Atwater April 29, 2010
President of the Senate

RE: Suspension of
CHARLES W. MORRIS,
Sheriff
Okaloosa County, Florida

The Committee on Ethics and Elections submits this final report on the matter of the suspension of Charles W. Morris, Sheriff, Okaloosa County, Florida.

By Executive Order Number 09-43 filed with the Secretary of State on February 27, 2009, the Honorable Charlie Crist, as Governor, suspended Charles W. Morris as Sheriff of Okaloosa County, Florida because he was charged with Theft or Bribery concerning programs receiving federal funds in violation of Title 18, United States Code, Section 666; Wire

Fraud in violation of Title 18, United States Code, Section 1343; Deprivation of Right to Honest Services in violation of Title 18, United States Code, Section 1346; Engaging in Monetary Transactions in Property Derived from Specified Unlawful Activity in violation of Title 18, United States Code, Section 1957; and Conspiracy to Commit the Aforementioned Offenses in violation of Title 18, United States Code, Section 371 which constitute felonies, malfeasance, or misfeasance. Notwithstanding, in a letter dated May 26, 2009, Sheriff Morris resigned effective May 19, 2009.

Based on the foregoing, I advise and recommend that the Senate take no action on the above-named suspension during the 2010 Regular Session of the Florida Legislature, and consider the matter closed.

Sincerely,
JD Alexander, Chair

The Honorable Jeff Atwater April 29, 2010
President of the Senate

RE: Suspension of
JOSEPHUS EGGELLETION,
County Commissioner
Broward County, Florida

The Committee on Ethics and Elections submits this final report on the matter of the suspension of Josephus Eggelletion, County Commissioner, Broward County, Florida.

By Executive Order Number 09-215 filed with the Secretary of State on September 24, 2009, the Honorable Charlie Crist, as Governor, suspended Josephus Eggelletion as County Commissioner of Broward County, Florida, because he was charged with Laundering of Monetary Instruments in violation of Title 18, United States Code, Section 1956(a)(3)(B), and Conspiracy to Launder Monetary Instruments in violation of Title 18, United States Code, Section 1956(h), which constitute felonies, malfeasance, or misfeasance. Notwithstanding, in a letter dated December 10, 2009, Commissioner Eggelletion resigned.

Based on the foregoing, I advise and recommend that the Senate take no action on the above-named suspension during the 2010 Regular Session of the Florida Legislature, and consider the matter closed.

Sincerely,
JD Alexander, Chair

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Jeff Atwater, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for HB 945; has passed as amended CS for CS for HB 119, CS for HB 289, CS for CS for HB 869, CS for CS for HB 927, CS for HB 1253, CS for HB 7157, CS for HB 7205 and requests the concurrence of the Senate.

Robert L. "Bob" Ward, Clerk

By Health Care Appropriations Committee, Elder & Family Services Policy Committee and Representative(s) Anderson, Domino, Ford, Frishe, Homan, Kreegel—

CS for CS for HB 945—A bill to be entitled An act relating to automated external defibrillators in assisted living facilities; amending s. 429.255, F.S.; requiring certain assisted living facilities to possess a functioning automated external defibrillator; encouraging an assisted living facility to register the location of the automated external defibrillator with a local emergency medical services medical director; providing immunity from liability under the Good Samaritan Act and the Cardiac Arrest Survival Act; authorizing the Department of Elderly Affairs to adopt rules relating to the use of automated external defibrillators; providing appropriations; providing effective dates.

—was referred to the Committees on Health Regulation; Children, Families, and Elder Affairs; and Judiciary.

By Military & Local Affairs Policy Committee, Public Safety & Domestic Security Policy Committee and Representative(s) Glorioso, Brandenburg, Cruz, Hooper—

CS for CS for HB 119—A bill to be entitled An act relating to sexual offenders and predators; creating s. 856.022, F.S.; prohibiting loitering or prowling by certain offenders within a specified distance of places where children were congregating; prohibiting certain actions toward a child at a public park or playground by certain offenders; prohibiting the presence of certain offenders at or on real property comprising a child care facility or prekindergarten through grade 12 school without notice and supervision; providing exceptions; providing penalties; amending s. 775.21, F.S.; revising and providing definitions; conforming terminology to changes made by the act; revising provisions relating to residence reporting requirements for sexual predators; transferring, renumbering, and amending s. 794.065, F.S.; providing definitions; substituting the term "child care facility" for the term "day care center"; providing that the section does not apply to a person living in an approved residence before the establishment of a school, child care facility, park, or playground within 1,000 feet of the residence; including offenses in other jurisdictions that are similar to the offenses listed for purposes of providing residency restrictions for persons convicted of certain sex offenses, applicable to offenses committed on or after a specified date; providing that the section does not apply to persons who were removed from the requirement to register as a sexual offender or sexual predator under a specified provision; amending s. 943.0435, F.S.; revising provisions relating to residence reporting requirements for sexual offenders; amending s. 943.04352, F.S.; requiring that the probation services provider search in an additional specified sex offender registry for information regarding sexual predators and sexual offenders when an offender is placed on misdemeanor probation; amending s. 943.04354, F.S.; allowing the removal of the requirement to register as a sexual offender or sexual predator for a violation involving sexual performance by a child in special circumstances; amending s. 944.606, F.S.; revising address reporting requirements for sexual offenders; amending s. 944.607, F.S.; requiring additional registration information from sex offenders who are under the supervision of the Department of Corrections but who are not incarcerated; amending s. 947.005, F.S.; providing additional definitions; amending s. 947.1405, F.S.; conforming terminology to changes made by the act; providing that a releasee living in an approved residence before the establishment of a school, child care facility, park, or playground within 1,000 feet of the residence may not be forced to relocate and does not violate his or her conditional release supervision; revising provisions relating to polygraph examinations of specified conditional releasees who have committed specified sexual offenses; providing additional restrictions for certain conditional releasees who have committed specified sexual offenses against minors or have similar convictions in another jurisdiction; amending s. 948.001, F.S.; revising and providing definitions; amending s. 948.30, F.S.; conforming terminology to changes made by the act; providing that a probationer or community controllee living in an approved residence before the establishment of a school, child care facility, park, or playground within 1,000 feet of the residence may not be forced to relocate and does not violate his or her probation or community control; revising provisions relating to polygraph examinations of specified probationers or community controllees who have committed specified sexual offenses; providing additional restrictions for certain probationers or community controllees who committed specified sexual offenses against minors or who have similar convictions in another jurisdiction; amending s. 948.31, F.S.; deleting a requirement for diagnosis of certain sexual predators and sexual offenders on community control; revising provisions relating to treatment for such offenders and predators; amending s. 985.481, F.S.; providing additional address reporting requirements for sexual offenders adjudicated delinquent; amending s. 985.4815, F.S.; revising provisions relating to address and residence reporting requirements for sexual offenders adjudicated delinquent; providing legislative intent; providing severability; providing a directive to the Division of Statutory Revision; providing an effective date.

—was referred to the Committees on Criminal Justice; Community Affairs; and Judiciary.

By Roads, Bridges & Ports Policy Committee and Representative(s) Brandenburg, Ambler, Ford, Jenne, Kriseman, McBurney, Nehr, Porth, Rader, Sachs, Steinberg, Taylor—

CS for HB 289—A bill to be entitled An act relating to specialty license plates; amending ss. 320.08056 and 320.08058, F.S.; revising authorized uses of revenue received from the sale of the Sea Turtle license plate; creating the Fraternal Order of Police license plate; establishing an annual use fee for the plate; providing for the distribution of use fees received from the sale of such plates; providing an effective date.

—was referred to the Committees on Transportation; Criminal Justice; and Transportation and Economic Development Appropriations.

By Economic Development & Community Affairs Policy Council, Governmental Affairs Policy Committee and Representative(s) Eisnaugle, Rouson, Burgin—

CS for CS for HB 869—A bill to be entitled An act relating to campaign financing; providing a short title; amending s. 106.143, F.S.; providing an alternative statement that may be used to identify a candidate as the sponsor of a political advertisement under certain circumstances; providing circumstances under which certain campaign messages and political advertisements are not required to state or display specific information regarding the identity of the candidate, his or her party affiliation, and the office sought in the message or advertisement; authorizing a candidate or political committee to place a statement on a social networking website or account indicating that the site or account is an official site or account approved by the candidate or political committee; prohibiting an official designation without the prior approval by the candidate or political committee; amending s. 106.011, F.S.; revising the definition of the term "political committee" to remove certain reporting requirements included in the exclusion of electioneering communications organizations from the definition; revising the definition of the term "filing officer" to expand applicability to electioneering communications organizations; revising the definition of the term "electioneering communication" to conform to certain federal requirements and to delineate what constitutes such a communication; revising the definition of the term "electioneering communications organization"; amending s. 106.03, F.S.; revising the registration requirements for electioneering communications organizations; revising the statement of organization requirements; revising rule adoption requirements relating to dissolution of political committees and electioneering communications organizations; amending s. 106.0703, F.S.; consolidating reporting requirements in ch. 106, F.S., applicable to electioneering communications organizations; providing penalties; conforming provisions; prohibiting the use of credit cards by electioneering communications organizations; amending s. 106.0705, F.S., relating to electronic filing of campaign treasurer's reports; conforming provisions; amending s. 106.071, F.S.; increasing the aggregate amount of expenditures required for filing certain reports related to independent expenditures or electioneering communications; amending s. 106.08, F.S.; removing certain limitations on contributions received by an electioneering communications organization; amending s. 106.1439, F.S.; providing identification requirements for certain electioneering communications; providing an exception for telephone calls; amending s. 106.147, F.S., relating to telephone solicitation disclosure requirements; removing requirements relating to electioneering communication, to conform; reenacting ss. 106.011(1)(b), (3), (4), (18), and (19), 106.022(1), 106.03(1)(b), 106.04(5), 106.0703, 106.0705(2)(b), 106.071(1), 106.08(7), 106.1437, 106.1439, and 106.17, F.S., relating to definitions, registered office and agent requirements, registration requirements, prohibited activities for committees of continuous existence, additional reporting requirements, electronic filing requirements, expenditure reports, penalties for violations pertaining to limitations on contributions, miscellaneous advertisements, electioneering communications disclaimers and penalties for failure to include disclaimers, and polls and surveys pertaining to candidacies, to cure and conform; providing an effective date.

—was referred to the Committees on Ethics and Elections; and Judiciary.

By Military & Local Affairs Policy Committee, Civil Justice & Courts Policy Committee and Representative(s) Kiar—

CS for CS for HB 927—A bill to be entitled An act relating to real property; amending s. 193.155, F.S.; revising the criteria under which a transfer of homestead property is not considered a change of ownership; providing for such provisions to apply to a leasehold interest under certain circumstances; amending s. 193.1554, F.S.; providing that a change in the ownership of nonhomestead residential property is not deemed to have occurred due to certain transactions involving a publicly traded company; amending s. 193.1555, F.S.; providing that a change in the ownership of nonresidential property is not deemed to have occurred due to certain transactions involving a publicly traded company; amending s. 193.1556, F.S.; providing that a recorded deed or other instrument shall serve as notice of a change of ownership; requiring the Department of Revenue to provide a form by which a property owner may notify any property appraiser of a change of ownership or control; providing an effective date.

—was referred to the Committees on Community Affairs; Finance and Tax; and Education Pre-K - 12 Appropriations.

By Insurance, Business & Financial Affairs Policy Committee and Representative(s) Proctor, Nehr—

CS for HB 1253—A bill to be entitled An act relating to continuing care facilities; amending s. 651.011, F.S.; revising definitions relating to ch. 651, F.S.; amending s. 651.012, F.S.; conforming cross-references; amending s. 651.022, F.S.; increasing the threshold amount for businesses that must be identified in an application for a provisional certificate of authority; adding wait-list contracts to the forms that must be submitted with the application; amending s. 651.0235, F.S.; conforming provisions to changes made by the act; amending s. 651.026, F.S.; revising the financial information that must be submitted annually for each certified facility; requiring the annual report to reflect any changes in accounting principle terminology; amending s. 651.033, F.S.; authorizing a provider to assess a separate, nonrefundable fee for processing an application for continuing care; amending s. 651.035, F.S.; clarifying that the amounts maintained in escrow relating to taxes refer to property taxes; deleting an obsolete provision; amending s. 651.055, F.S.; providing that a resident is deemed to be occupying a unit upon the payment of certain fees; providing a timeframe for rescinding a contract; increasing the application processing fee; conforming provisions to changes made by the act; amending s. 651.081, F.S.; renaming residents' organizations as residents' councils; requiring the provider to provide a newly elected chair of a council with a copy of ch. 651, F.S., and related rules; amending s. 651.083, F.S.; clarifying that a resident has a right to receive residents' council memos and announcements; prohibiting a provider from restricting a resident's access to the council; amending s. 651.085, F.S.; requiring the provider to provide the reasons for increasing the maintenance fee to the chair of the residents' council; allowing a designated representative to represent the provider at meetings; amending s. 651.091, F.S.; specifying that a management company or operator is an agent of the provider for the purposes of disclosing certain information to residents; expanding the list of items that must be provided to the chair of the residents' council; requiring the provider to provide a copy of s. 651.071, F.S., relating to receivership or liquidation, to all prospective residents; amending s. 651.105, F.S.; increasing the required time period for examinations for certain providers; requiring the office to determine if all disclosures have been made to the chair of the residents' council; amending ss. 651.114 and 651.1151, F.S.; conforming provisions to changes made by the act; amending s. 651.121, F.S.; conforming provisions to changes made by the act; requiring the chair of the Continuing Care Advisory Council to report the council's findings and recommendations to the Governor and the Commissioner of Insurance Regulation; requiring the office to provide certain information to the council; repealing s. 651.133, F.S., relating to provisional certificates under prior law; amending s. 628.4615, F.S.; conforming cross-references; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Judiciary.

By Government Operations Appropriations Committee, Finance & Tax Council and Representative(s) Fresen—

CS for HB 7157—A bill to be entitled An act relating to taxation; amending s. 55.204, F.S.; specifying the duration of liens securing the payment of unemployment compensation tax obligations; amending s.

95.091, F.S.; applying an exception to a limit on the duration of tax liens for certain tax liens relating to unemployment compensation taxes; amending s. 201.02, F.S.; excluding certain unpaid indebtedness from the taxable consideration for short sale transfers of real property; defining the term "short sale"; amending s. 202.125, F.S.; providing that an exemption from the communications services tax does not apply to transient public lodging establishments; amending s. 212.05, F.S.; specifying that the tax on sales, use, and other transactions applies to charges for nonresidential building cleaning and nonresidential building pest control; amending s. 212.0515, F.S.; revising the content of a required notice that must be posted on vending machines; amending s. 212.08, F.S.; providing criteria to determine whether the tax on sales, use, and other transactions applies to a package containing exempt food products and taxable nonfood products; providing that the tax exemption for building materials used in the rehabilitation of real property in an enterprise zone applies only while the property is being rehabilitated; providing that a single application for a tax refund of taxes paid on building materials used in the rehabilitation of real property may be used for certain contiguous parcels; revising the information that must be included in an application for a tax refund; providing that the tax exemption for building materials used in an enterprise zone may inure to a unit of government; revising the date by which an application for a tax refund for taxes paid on building materials used in an enterprise zone must be submitted to the department; amending s. 212.08, F.S.; revising provisions excluding certain sales of tangible personal property to contractors from application of an exemption for sales made to governmental entities under certain circumstances; specifying additional requirements, procedures, and limitations; requiring the Department of Revenue to adopt rules for purposes of determining eligibility for the exemption and providing for a certificate of entitlement to the exemption; specifying certification requirements; authorizing the department to adopt emergency rules; providing for time of effect of emergency rules; amending s. 213.053, F.S.; authorizing the department to provide certain confidential taxpayer information to the Florida Energy and Climate Commission; providing for retroactive operation; providing that restrictions on disclosure of confidential taxpayer information do not prohibit the department from using certain methods of electronic communication for certain purposes; providing that the department may release confidential taxpayer information relating to a corporation having an outstanding tax warrant to the Department of Business and Professional Regulation; authorizing the department to share taxpayer names and identification numbers for purposes of information-sharing agreements with financial institutions; authorizing the department to share certain information relating to the tax on sales, use, and other transactions with the Department of Environmental Protection; authorizing the department to publish a list of taxpayers against whom it has filed a warrant or judgment lien certificate; requiring the department to update the list at least monthly; authorizing the department to adopt rules; authorizing the department to provide confidential taxpayer information relating to collections from taxpayers against whom it has taken a collection action; creating s. 213.0532, F.S.; defining terms; requiring the department and certain financial institutions to enter into information-sharing agreements to enable the department to obtain the account balances and personally identifying information of taxpayers; authorizing the department and certain financial institutions to enter into information-sharing agreements to enable the department to obtain the account balances and personally identifying information of taxpayers; limiting the use of information gathered for the purpose of enforcing the collection of certain taxes and fees; requiring the department to pay a fee to the financial institutions for their services; limiting the liability for certain acts of financial institutions that enter into an information-sharing agreement; authorizing the department to adopt rules; amending s. 213.25, F.S.; authorizing the department to reduce a tax refund or credit owing to a taxpayer to the extent of liability for unemployment compensation taxes; amending s. 213.50, F.S.; authorizing the Division of Hotels and Restaurants of the Department of Business and Professional Regulation to suspend or deny the renewal of a license for a hotel or restaurant having an outstanding tax warrant for a certain period of time; amending s. 213.67, F.S.; specifying additional methods by which the department may give notice of a tax delinquency for garnishment purposes; amending s. 220.192, F.S.; providing for the administration of certain portions of the renewable energy technologies tax credit program by the Florida Energy and Climate Commission; providing for retroactive application; amending s. 336.021, F.S.; revising the distribution of the ninth-cent fuel tax on motor fuel and diesel fuel; amending s. 443.036, F.S.; providing for the treatment of a single-member limited liability company as the employer for purposes of unemployment compensation law; amending s. 443.1215, F.S.; correcting a cross-reference; amending s. 443.1316, F.S.; conforming cross-references; amending s. 443.141, F.S.; providing penalties for erroneous, incomplete, or insufficient reports; authorizing a waiver of the penalty under certain circumstances; defining a term; authorizing the Agency for Workforce Innovation and the state agency providing unemployment compensation tax collection services to adopt rules; providing an expiration date for liens for contributions and reimbursements; amending s. 443.163, F.S.; increasing penalties for failing to file Employers Quarterly Reports by means other than approved electronic means; revising waiver provisions; creating s. 213.692, F.S.; authorizing the Department of Revenue to revoke all certificates of registration, permits, or licenses issued to a taxpayer against whose property the department has filed a warrant or tax lien; requiring the scheduling of an informal conference before revocation of the certificates of registration, permits, or licenses; prohibiting the Department of Revenue from issuing a certificate of registration, permit, or license to a taxpayer whose certificate of registration, permit, or license has been revoked; providing exceptions; requiring security as a condition of issuing a new certificate of registration to a person whose certificate of registration, permit, or license has been revoked after the filing of a warrant or tax lien certificate; authorizing the department to adopt rules, including emergency rules; repealing s. 195.095, F.S., relating to the authority of the Department of Revenue to develop lists of bidders that are approved to contract with property appraisers, tax collectors, or county commissions for assessment or collection services; repealing s. 213.054, F.S., relating to monitoring and reporting on the use of a tax deduction claimed by international banking institutions; providing effective dates.

—was referred to the Committee on Commerce.

By Full Appropriations Council on Education & Economic Development, Governmental Affairs Policy Committee and Representative(s) Schenck, Holder, Mayfield—

CS for HB 7205—A bill to be entitled An act relating to professional sports franchises; amending ss. 14.2015, 212.20, and 218.64, F.S., relating to the Office of Tourism, Trade, and Economic Development, the distribution of certain tax proceeds, and the allocation of a portion of the local government half-cent sales tax; conforming provisions to changes made by the act; conforming cross-references; amending s. 288.1162, F.S.; deleting provisions relating to the certification and funding of facilities for spring training baseball franchises; authorizing the Auditor General to conduct audits to verify whether certain funds for professional sports franchises are used as required by law; requiring the Auditor General to notify the Department of Revenue if the funds are not used as required by law; creating s. 288.11621, F.S.; authorizing certain units of local government to apply for certification to receive state funding for a facility for a spring training franchise; providing definitions; providing eligibility requirements; providing criteria to competitively evaluate applications for certification; requiring a certified applicant to use the funds awarded for specified public purposes and place unexpended funds in a trust fund or separate account; authorizing a certified applicant to request a suspension of the distribution of funds for a specified period under certain circumstances; requiring the expenditure of funds by certain certified applicants within a specified period; requiring the completion of certain spring training facility projects within a specified period; requiring certified applicants to submit annual reports to the Office of Tourism, Trade, and Economic Development; requiring the office to decertify applicants under certain circumstances; providing for delay in decertification proceedings for local governments certified before a specified date under certain circumstances; providing for review of the office's notice of intent to decertify an applicant; requiring an applicant to repay unencumbered state funds and interest after decertification; specifying circumstances under which a certified applicant that is a local government may not be decertified under certain circumstances; requiring the office to develop a strategic plan relating to baseball spring training activities; requiring the office to adopt rules; authorizing the Auditor General to conduct audits to verify whether certified funds for baseball spring training facilities are used as required by law; requiring the Auditor General to notify the Department of Revenue if the funds are not used as required by law; amending s. 288.1229, F.S.; providing that the Office of Tourism, Trade, and Economic Development may authorize a direct-support organization to assist in the retention of professional sports franchises; recognizing the

validity of specified agreements under certain circumstances; providing an effective date.

—was referred to the Committees on Commerce; Community Affairs; and Rules.

RETURNING MESSAGES — FINAL ACTION

The Honorable Jeff Atwater, President

I am directed to inform the Senate that the House of Representatives has passed SB 2284; adopted SCR 10.

Robert L. "Bob" Ward, Clerk

The bills contained in the foregoing messages were ordered enrolled.

The Honorable Jeff Atwater, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendment 1 and passed HB 5 as amended; concurred in Senate Amendment 3 and passed CS for CS for HB 131 as amended; and concurred in Senate Amendment 1 and passed HB 7079 as amended.

Robert L. "Bob" Ward, Clerk

VOTES RECORDED

Senator Gelber was recorded as voting "yea" on the following bills which were considered April 26: **CS for HB 751**, **CS for HB 33**, **CS for CS for HB 163**, **HB 281**, **CS for HB 109**, **CS for CS for HB 747**, **CS for CS for HB 911**, **HB 1279**, **CS for CS for HB 1307**, **SB 2320**, **CS for CS for HB 1337**, **CS for HB 1363**, **CS for HB 1493**, **HB 7167**, **HB 7193**, **SB 2788**, **SB 2790**, **SB 104**, **CS for SB 814**, **CS for SB 902**, **CS for CS for CS for SB 550**, **SB 2250**, **CS for CS for SB 2272 and CS for SB 2722**, **CS for SB 1920**, **CS for CS for SB 2176**, **CS for SB 2408**, **SB 2544**, **CS for CS for SB 8**, **CS for CS for SB 202**, **CS for SB 776**, **CS for SB 1012**, **CS for SB 1072**, **CS for SB 1296**, **CS for SB 1306**, **CS for SB 1340**, **SB 1678**, **CS for SB 1734**, **CS for CS for SB 1736**, and **CS for CS for SB 1842**.

Senator Gelber was recorded as voting "nay" on the following bill which was considered April 26: **CS for CS for SB 1216**.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 28 was corrected and approved.

CO-INTRODUCERS

Senators Detert—CS for SB 1752; Lynn—SB 194; Wilson—CS for SB 514, CS for SB 796, CS for CS for SB 1544, CS for SB 1720, CS for SB 1724, CS for CS for SB 2118, CS for SB 2140, CS for SB 2350, CS for SB 2560

RECESS

On motion by Senator Villalobos, the Senate recessed at 6:46 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 9:00 a.m., Friday, April 30 or upon call of the President.