The Journal OF THE House of Representatives

Number 20 **Thursday, March 14, 2002**

The House was called to order by the Speaker at 10:00 a.m.

Prayer

The following prayer was offered by the Reverend R. D. Daniels of St. Paul AME Church of Apopka, upon invitation of Rep. Brummer:

Most gracious God, all wise and everlasting and sustainer of the universe. The giver of every good and perfect gift. The fountain of all wisdom, whose statutes are good, gracious, and whose law is perfect. And who grants us, this morning, the privilege to call You our Father.

We are thankful for the multitude of blessings which Thou hast bestowed upon each of us. And we beseech Thee for the people of these United States and especially for our Governor, the Florida House of Representatives and the entire constituency, and for all the people assembled in this Chamber.

Dear Master, we pray that Thy would guide and bless them in their many endeavors and crown their efforts with success. Direct and prosper all their consultations to the advancement of Thy glory and the welfare of the people of the great state of Florida.

We humbly beg in the name and meditation of Jesus Christ, Thy Lord, Thy Son, and our Lord. Amen.

The following Members were recorded present:

Session Vote Sequence: 888

The Chair	Brummer	Garcia	Kendrick
Alexander	Brutus	Gardiner	Kilmer
Allen	Bucher	Gelber	Kosmas
Andrews	Bullard	Gibson	Kottkamp
Argenziano	Byrd	Goodlette	Kravitz
Arza	Cantens	Gottlieb	Kyle
Attkisson	Carassas	Green	Lacasa
Atwater	Clarke	Greenstein	Lee
Ausley	Crow	Haridopolos	Lerner
Baker	Cusack	Harper	Littlefield
Ball	Davis	Harrell	Lynn
Baxley	Detert	Harrington	Machek
Bean	Diaz de la Portilla	Hart	Mack
Bendross-Mindingall	Dockery	Henriquez	Mahon
Bennett	Evers	Heyman	Mayfield
Bense	Farkas	Hogan	Maygarden
Benson	Fasano	Holloway	McGriff
Berfield	Fields	Jennings	Meadows
Betancourt	Fiorentino	Johnson	Mealor
Bilirakis	Flanagan	Jordan	Melvin
Bowen	Frankel	Joyner	Murman
Brown	Gannon	Kallinger	Needelman
Negron	Ritter	Simmons	Trovillion
Paul	Romeo	Siplin	Waters
Peterman	Ross	Slosberg	Weissman
Pickens	Rubio	Smith	Wiles
Prieguez	Russell	Sorensen	Wilson
Rich	Ryan	Spratt	Wishner
Richardson	Seiler	Stansel	

(A list of excused Members appears at the end of the *Journal*.)

A quorum was present.

Pledge

The Members, led by Ginni Poe of Sanford, Andy Rankin of Apopka, Johanna R. Ryan of Dania Beach and Brittany Sebesta of Jacksonville, pledged allegiance to the Flag. Ginni Poe served at the invitation of Rep. Frankel. Andy Rankin served at the invitation of Rep. Brummer. Johanna R. Ryan served at the invitation of her father, Rep. Ryan. Brittany Sebesta served at the invitation of Rep. Waters.

Correction of the *Journal*

The *Journal* of March 13 was corrected and approved as corrected.

Reports of Councils and Standing Committees

Report of the Procedural & Redistricting Council

The Honorable Tom Feeney March 13, 2002
Speaker, House of Representatives

Dear Mr. Speaker:

Your Procedural & Redistricting Council herewith submits as Special Orders for Thursday, March 14, 2002. Consideration of the House Bills on Special Orders shall include the Senate Companion Measures on the House Calendar.

I. Procedural & Redistricting Council. Consideration of the following bills not to exceed 3 minutes for each bill for discussion and amendments. Total time shall not exceed one hour during this segment of the Special Order Calendar:
HB 151—Waters
Relief/Skowroneks/Clearwater
HB 187—Attkisson
Relief/Hopkins & Bowman
HB 203—Sorensen
Relief/Joshua England/Monroe Co.
HB 301—Mayfield
Relief/Joseph Arvay/Vero Beach
HB 349—Atwater
Relief/Margaret B. Helm/Martin Co.

HB 359—Diaz de la Portilla
Relief/Jesnor Exanor/Delray Beach
HB 587—Negron
Relief/Lawrence Bigney
HB 425—Prieguez
Relief/Hilda De Paz/Miami-Dade Co.
HB 361—Diaz de la Portilla
Relief/Millie Jackson/Miami-Dade Co.
HB 37—Harper
Relief/James Torrence
HB 39—Bucher
Relief/Rosemary Falkinburg
HB 61—Seiler
Relief/Mark Schwartz
HB 63—Ritter
Relief/Maria Garcia/Orange Co.
HB 85—Betancourt
Relief/Calderon/Miami-Dade Co.
HB 189—Siplin
Relief/Steven Mitchell/Volusia Co.
HB 225—Gannon
Relief/Sharon & Victor Dixon, Sr.
HB 375—Bullard
Relief/Harley & Dent
HB 563—Smith
Relief/William & Anne Hennelly

II. Procedural & Redistricting Council. Consideration of the following bills:
HB 495—Gelber
Election Code/Violation
CS/HB 909—Kendrick
Constitutional Amendments/Initiative
CS/HJR 1131—Pickens
Constitution/Amendments/Initiatives
HB 493—Fiorentino
Voter Registration
HB 727—Goodlette
Domestic Security/Terrorism
HB 705—Gelber
Local Govt. Employees & Contractors
CS/HB 735—Gelber
Public Records/Building Plans
HB 1439—Gelber
Interception of Communications
CS/CS/HB 223—Ritter
Driver's Licenses/ID Cards
HB 1427—Kendrick
Sheriffs

III. Council for Smarter Government. Consideration of the following bills not to exceed 3 minutes for each bill for discussion and amendments. Total time shall not exceed 90 minutes during this segment of the Special Order Calendar:
HB 487—Seiler
Attorney's Fees
CS/HB 1155—Needelman
Homestead Exemption/Persons 65/Older
HB 1669—Crow
Uniform Commercial Code
HB 1949—Kyle
Lottery Tickets/Vending Machines
HB 1927—Crow
Number of Judges/Dist. Courts
HB 2015—Cantens
Governmental Reorganization
CS/HB 409—Bilirakis
DOC/Criminal Investigations
CS/HB 731—Machek
Public Records/Pesticides/Aerial
CS/HB 843—Mack
Condominiums
CS/HB 903—Betancourt
Professions/Reinstatement of License
CS/HB 1597—Needelman
Sexually Violent Predators
CS/HB 681—Davis
Consolidated Governments
CS/HB 1295—Waters
Payment-card Transactions
CS/HB 539—Trovillion
Public Records
CS/HB 787—Rubio
Limited Liability Companies
CS/CS/HB 1095—Smith
Sureties
CS/HB 1431—Jordan
Recreational Vehicles
CS/HB 1487—Attkisson
Public Records/Telecommunications
CS/HB 1769—Andrews
Public Records/Transportation Fac.
CS/HB 83—Allen
Aerospace Infrastructure
CS/HB 505—Needelman
Law Enforcement Agency Consolidation
CS/HB 697—Mealor
FRS/Compensation & Bonus Definitions
CS/HB 1115—Garcia
Public Libraries/Funding
HB 1231—Rubio
Regional Cultural Facilities
CS/HB 1335—Mealor
Designations/University Buildings
HB 1573—Fasano
Wagering/Vessels/Races
HB 1787—Bean
Medal of Heroism
HB 1633—Evers
Unclaimed Bodies/Veterans
CS/HB 1209—Gardiner
Crime Victims' Rights

IV. Council for Smarter Government. Consideration of the following bills:
CS/HB 1407—Brummer
Capitol Select Security Service
CS/HB 795—Seiler
Wrongful Death/Surviving Spouse
CS/HB 1205—Haridopolos
Govt. Agencies/Unsolicited Reports
HB 1327—Garcia
Bail Bond Agents
CS/HB 1323—Kallinger
Fla. Minority Business Loan Program
CS/HB 1673—Brummer
Public Records/Social Security
CS/HB 1679—Brummer
Study Committee on Public Records
CS/HB 1763—Barreiro
Juvenile Justice
HB 1979—Sorensen
Local Government Accountability
HJR 1981—Crow
Judicial Qualifications Commission
HB 1983—Barreiro
Juvenile Delinquency Program/Records
HB 427—Brown
Insurance Plans Participation
CS/HB 257—Spratt
Administrative Procedures
CS/HB 1545—Simmons
Premises Liability/Burden of Proof

CS/HB 445—Hogan
Public Record/Utility/Customer Info.
CS/CS/HB 571—Ross
Civil Penalties
CS/HB 893—Johnson
Regulation of Movers
CS/HB 933—Rubio
Public Employee Optional Retirement
HB 935—Rubio
Public Records
CS/HB 1127—Negron
Probate & Trusts
CS/HB 1129—Betancourt
Public Employees Relations Comm.
CS/HB 1643—Clarke
Labor & Employment Security Dept.
HB 2013—Cantens
Public Records/Medical Records
CS/HB 807—Fasano
Florida Retirement System
HB 307—Paul
Student Loans/Attorneys/Public Def.
HB 1575—Fasano
Public Employee Retirement TF/DMS
CS/HB 1767—Allen
Public Records/Personal ID Info.
HB 205—Sorensen
District Courts of Appeal
CS/HB 1119—Heyman
Agriculture/Crop Damage/Destruction
CS/HB 1381—Mealor
Timeshares
CS/HB 1541—Ross
Drycleaning Solvent Cleanup Program
HB 1627—Evers
Non-ad Valorem Assessments
HB 1771—Arza
Indian Reservation Jurisdiction
CS/HB 1341—Dockery
Community Redevelopment
HB 2001—Attkisson
Educational Facilities Benefit Dist.
HB 1585—Flanagan
Metropolitan Planning Organizations
CS/HB 1609—Bennett
Local Government Development Orders
CS/HB 1667—Benson
Elevator Inspections
CS/HB 1535—Carassas
Growth Management
HB 1149—Kilmer
Intergovernmental Relations Comm.

V. Expedited Local Bill Calendar. Consideration of the following bills:
HB 339—Stansel
Lafayette Co. Development Authority
HB 397—Bennett
Manatee Co. Mosquito Control Dist.
HB 423—Kendrick
Tri-County Hospital Authority
HB 501—Lynn
Daytona Beach Racing District
HB 527—Wiles
City of Palm Coast
HB 669—Spratt
Devil's Garden Water Control Dist.
HB 711—Jennings
City of Gainesville/Charter Revision
HB 713—Carassas
Pinellas Suncoast Transit Authority
HB 759—Brummer
Orlando Police Dept. Pension Fund
HB 785—Wiles
St. Augustine/Circuit Court
HB 827—Pickens
Putnam Co./Law Library
HB 921—Mayfield
Indian River Co. Hospital District
HB 937—Sorensen
Monroe Co. Mosquito Control District
HB 939—Wiles
St. Augustine-St. Johns Counties
HB 943—Gibson
North Lake County Hospital District
HB 955—Cusack
City of Lake Helen Charter
HB 961—Negron
Jupiter Inlet District/Commissioners
HB 965—Ritter
Towns of Davie & Southwest Ranches
HB 967—Ritter
Town of Lauderdale-By-The-Sea
HB 971—Atwater
Loxahatchee River Environ. District
HB 973—Atwater
City of West Palm Beach
HB 975—Atwater
West Palm Beach Firefighters Pension
HB 979—Bennett
Cedar Hammock Fire Control District
HB 981—Bennett
Trailer Estates Park District
HB 985—Ritter
Central Broward Water Control Dist.
HB 995—Ritter
Coral Springs/Coconut Creek/Margate
HB 997—Bennett
Bayshore Gardens Park District
HB 1005—Spratt
Glades Co. Sheriff's Employees
HB 1017—Ritter
Plantation Acres Improvement Dist.
CS/HB 1031—Ball
Brevard Co./Max Brewer Law Library
HB 1033—Green
Lee Co./Bayshore Fire Service Dist.
HB 1035—Green
Ft. Myers Beach Public Library Dist.
HB 1039—Kottkamp
Lee Co./Cape Coral/Territorial Limit
HB 1041—Green
South Trail Fire & Rescue District
HB 1043—Green
Lee Co./Lehigh Acres Fire & Rescue
HB 1063—Stansel
Lafayette Co. Recreation Board
HB 1073—McGriff
Alachua Co. Home Rule Charter
HB 1099—Benson
Stormwater Management Facilities
HB 1183—Kyle
Lee Co./City of Fort Myers
HB 1359—Harper
Shawano Water Control District
HB 1677—Melvin
Okaloosa Co./Baker Fire District
HB 1783—Bennett
City of Anna Maria Island

VI. Local Bill Calendar. Consideration of the following bills:
CS/HB 429—Gibson
Alcohol License/Retirement Community
HB 447—Bennett

Manatee Co./North River Fire Dist.
HB 449—Bennett
Parrish Fire Control District
HB 953—Carassas
Pinellas Co./Code Adoptions
HB 957—Farkas
Lealman Special Fire Control Dist.
HB 959—Kosmas
South Daytona & Port Orange
HB 963—Mayfield
Indian River Co. Sheriff's Office
HB 993—Ritter
North Broward Hospital District
HB 999—Negron
Troup-Indiantown Water Control Dist.
HB 1037—Murman
Firefighters/Police Officers/Pension
HB 1047—Davis
Municipal Service Dist./Ponte Vedra
HB 1049—Ross
City of Lakeland/Electric Utility
CS/HB 1071—Ball
Brevard Co./Port St. John Charter
HB 1101—Maygarden
W. Florida Regional Library District
HB 2005—Evers
Santa Rosa Co. Civil Service Board

VII. General Calendar. Consideration of the following bills:
HJR 87—Wallace
Limitation on State Appropriations
HB 651—Benson
Drug-free Workplaces
CS/HB 35—Allen
Expressway Authorities
HJR 829—Haridopolos
Tangible Personal Property
CS/CS/HB 299—Littlefield
Domestic Violence
HJR 89—Wallace
Legislative Power Limitation/Taxes
HB 845—Atwater
Palm Beach Co. Sheriff's Employees
HB 1001—Bucher
Indian Trail Improvement District

A quorum of the Council was present in person, and a majority of those present agreed to the above Report.

Respectfully submitted,
Johnnie B. Byrd, Jr.
Chair

On motion by Rep. Byrd, the rules were waived and **HB 1685** was added to the end of the Expedited Local Bill Calendar and **SB 2028** was added to the beginning of the Special Order Calendar.

On motion by Rep. Byrd, the above report was adopted, as amended.

On motion by Rep. Byrd, the rules were waived and the House moved to the order of—

Motions Relating to Committee or Council References

On motion by Rep. Goodlette, agreed to by two-thirds vote, HB 1079 was withdrawn from the Council for Smarter Government, placed on the Calendar of the House, and added to the end of Local Bills.

On motion by Rep. Goodlette, agreed to by two-thirds vote, HB 369 was withdrawn from the Committee on Health & Human Services Appropriations and the Procedural and Redistricting Council, placed on the Calendar of the House, and added to the end of Claims Bills.

On motion by Rep. Byrd, the rules were waived and the House moved to the order of—

Reports of Councils and Standing Committees

Report of the Procedural & Redistricting Council

Local Calendar Floor Procedure

Expedited Local Bill Calendar

Without objection, a single roll call on all bills will be taken at the conclusion of the reading of local bills.

Because a "no" vote would be cast against every bill on the local roll call, anyone wishing to vote against a specific bill or bills should do so by filing a Nay Vote—Local bills form with the Clerk. Those forms may be obtained at the Clerk's desk.

Removal of a specific bill from the Expedited Local Bill Calendar requires notice by one member received at least one hour before the Expedited Local Bill calendar is taken up. The notice must be presented in written form delivered to the Chair of the Procedural & Redistricting Council and the Clerk.

Members should:

Determine the location of their bill on the Local Calendar so prompt response may be made when the Chair inquires who is moving the bill.

Determine whether there may be a bill that they wish to have temporarily postponed.

The Chair will take up each bill as it appears on the Local Calendar. Bill numbers will not appear on the board since House action moves too fast for numbers to be useful.

Without separate motions, each local bill will be read twice by caption title. Adoption of this Calendar shall constitute consent of the House to waive the rules between each reading of each bill.

Committee-adopted amendments in the bill jacket will be adopted without motion.

Floor amendments to a local bill must be accompanied by a local bill amendment form signed by the delegation chair explaining the necessity for the amendment. Any bill with a properly filed amendment accompanied by the aforementioned form offered on the floor will be dropped from the list, and the amendment and the bill will revert to the regular local bill portion of the Special Order.

Amendments will not be shown on the Chamber Automation System (CAS) because the process will be moving too quickly.

Senate bills will automatically be substituted for House bills, if available. In such case, House bills will not be read.

On motion by Rep. Goodlette, the rules were waived and the above procedure was adopted.

On motion by Rep. Byrd, the House moved to the order of—

Special Orders

Special Order Calendar

SB 2028—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 2002 version of the Internal Revenue Code; providing for retroactivity; providing an effective date.

—was read the second time by title. On motion by Rep. Wallace, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 889

Yeas—112

The Chair	Carassas	Harrington	Mealor
Alexander	Clarke	Hart	Murman
Allen	Crow	Henriquez	Needelman
Andrews	Cusack	Heyman	Negron
Argenziano	Davis	Hogan	Paul
Arza	Detert	Holloway	Peterman
Attkisson	Diaz de la Portilla	Jennings	Pickens
Atwater	Diaz-Balart	Johnson	Prieguez
Ausley	Dockery	Jordan	Rich
Baker	Evers	Joyner	Richardson
Barreiro	Farkas	Kallinger	Romeo
Baxley	Fasano	Kendrick	Ross
Bean	Fields	Kosmas	Rubio
Bendross-Mindingall	Fiorentino	Kottkamp	Russell
Bennett	Flanagan	Kravitz	Ryan
Bense	Frankel	Kyle	Seiler
Benson	Gannon	Lacasa	Simmons
Berfield	Garcia	Lee	Slosberg
Betancourt	Gardiner	Lerner	Smith
Bilirakis	Gelber	Littlefield	Sorensen
Bowen	Gibson	Lynn	Spratt
Brown	Goodlette	Machek	Stansel
Brummer	Gottlieb	Mack	Wallace
Brutus	Green	Mahon	Waters
Bucher	Greenstein	Mayfield	Weissman
Bullard	Haridopolos	Maygarden	Wiles
Byrd	Harper	McGriff	Wilson
Cantens	Harrell	Meadows	Wishner

Nays—None

Votes after roll call:
Yeas—Kilmer, Melvin, Ritter, Siplin, Trovillion
Yeas to Nays—Ausley, Bendross-Mindingall, Betancourt, Brutus, Bucher, Cusack, Fields, Fiorentino, Frankel, Gannon, Gelber, Greenstein, Harper, Henriquez, Jennings, Joyner, Lerner, McGriff, Meadows, Peterman, Rich, Richardson, Romeo, Siplin, Slosberg, Weissman, Wiles, Wilson

So the bill passed and was immediately certified to the Senate.

HB 151—A bill to be entitled An act relating to the City of Clearwater; providing for the relief of Eva Skowronek, as the widow of Wieslaw Skowronek, and for the relief of Anna Marie Skowronek, Victor Skowronek, and Hubert Skowronek, the children of Wieslaw Skowronek; providing appropriations to compensate them for the death of Wieslaw Skowronek as a result of the negligence of the City of Clearwater; providing an effective date.

—was read the second time by title and, under Rule 10.13(b), referred to the Engrossing Clerk.

Consideration of **HB 187** was temporarily postponed under Rule 11.10.

HB 203—A bill to be entitled An act relating to the Monroe County School District; providing for the relief of Joshua England, a minor; authorizing and directing the District School Board of Monroe County to compensate Joshua England for personal injuries that he suffered due to the negligence of Monroe County district school board employees; providing for the use of such funds; providing for forfeiture and reversion of funds; providing for trustee qualifications; providing an effective date.

—was read the second time by title.

The Committee on Claims offered the following:

(Amendment Bar Code: 982217)

Amendment 1—On page 2, line 29, through page 3, line 10,
remove from the bill: all of said lines

and insert in lieu thereof:

(a) On the first July 1st after the effective date of this act, the balance remaining from the sum of $800,000, after payment of statutory attorney's fees and costs and any outstanding medical liens, shall be placed in a Special Needs Trust created for the exclusive use and benefit of Joshua England, a minor, to compensate him for injures and damages sustained; and

(b) On July 1st one year after the initial payment of $800,000 is made, $700,000 is to be placed into the Special Needs Trust for the exclusive use and benefit of Joshua England; and

(c) On each consecutive July 1st commencing after the $700,000 payment is made, and for 5 years thereafter, $200,000 shall be placed into the Special Needs Trust for the exclusive use and benefit of Joshua England, until an additional cumulative sum of $1,000,000 is paid.

(2) If Joshua England dies prior to payment of any sums required in paragraph (1)(c), any unpaid sums due at the

Rep. Rubio moved the adoption of the amendment, which was adopted.

The Committee on Claims offered the following:

(Amendment Bar Code: 143125)

Amendment 2—On page 2, line 3, after "Hospital"

insert: *and then to Broward Children's Center,*

Rep. Rubio moved the adoption of the amendment, which was adopted.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

HB 301—A bill to be entitled An act relating to the City of Vero Beach; providing for the relief of Joseph Arvay; providing for an appropriation to compensate Joseph Arvay for injuries caused by the negligence of a City of Vero Beach police officer; providing an effective date.

—was read the second time by title.

The Committee on Claims offered the following:

(Amendment Bar Code: 423897)

Amendment 1—On page 2, line 10-11,
remove from the bill: all of said lines,

and insert in lieu thereof: life, as well as to compensate him for the losses that he has sustained as a result

Rep. Rubio moved the adoption of the amendment, which was adopted.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

HB 349—A bill to be entitled An act relating to Martin County; providing for the relief of Margaret B. Helm for injuries and damages sustained as a result of the negligence of the Martin County Volunteer Fire Department; specifying the use of funds appropriated; providing for reimbursement of Medicaid and Brain and Spinal Cord Injury Program expenditures; providing an effective date.

—was read the second time by title.

The Procedural & Redistricting Council offered the following:

(Amendment Bar Code: 213829)

Amendment 1 (with title amendment)—On page 3, line 7,
remove: all of said line

and insert:
date upon which this act takes effect. The governmental entity shall also pay to the Department of Education the amount, if any, due to the department prior to disbursing any funds to the claimant. The amount due to the department shall be equal to all unreimbursed payments paid

by the department's Vocational Rehabilitation Services Program up to the date upon which this act takes effect.

And the title is amended as follows:

On page 1, lines 7 and 8,
remove: all of said lines

and insert: providing for reimbursement of Medicaid Brain and Spinal Cord Injury Program and Vocational Rehabilitation Services

REPRESENTATIVE BALL IN THE CHAIR

Rep. Atwater moved the adoption of the amendment, which was adopted.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

HB 359—A bill to be entitled An act relating to the City of Delray Beach; providing for the relief of Jesnor Exanor, as personal representative of the Estate of Nancy Mervil, on behalf of himself and the two minor children of Jesnor Exanor and his deceased wife, Nancy Mervil; authorizing and directing the City of Delray Beach to compensate them for the death of Nancy Mervil due to the negligence of an employee of the city; providing an effective date.

—was read the second time by title.

The Committee on Claims offered the following:

(Amendment Bar Code: 594347)

Amendment 1 (with title amendment)—
Remove everything after the enacting clause

and insert:

Section 1. *The facts stated in the preamble to this act are found and declared to be true.*

Section 2. *The City of Delray Beach is authorized and directed to appropriate from funds of the city not otherwise appropriated and to draw warrants in the total amount of $1,305,000 payable to Jesner Exanor individually, to Jesner Exanor as legal guardian of minor child Taisha Exanor, and to Gertha Desir as legal guardian of minor child Orlens Poulard, in the ratios of 40 percent, 30 percent, and 30 percent respectively, as compensation for the death of Nancy Mervil, wife of Jesner Exanor and mother of the minor children, due to the negligence of an employee of the City of Delray Beach. After payment of statutory attorney's fees and costs and authorized expenses, the proceeds recovered under this act shall be used to purchase appropriate structured settlement annuities for the benefit of Jesner Exanor and the minor children, Taisha Exanor and Orlens Poulard. Appropriate structured settlement annuities for the benefit of the minor children must be purchased no later than January 1, 2003. Amounts payable under this act on behalf of a minor child, as well as proceeds from appropriate structured settlement annuities purchased under this act on behalf of a minor child which are paid while the child is a minor, must be placed in the guardianship account of the minor child, to be expended under supervision of the circuit court as long as the child is a minor.*

Section 3. This act shall take effect upon becoming a law.

And the title is amended as follows:
remove: the entire title

and insert: An act relating to the City of Delray Beach; providing for the relief of Jesner Exanor, as personal representative of the Estate of Nancy Mervil, on behalf of himself and the two minor children of his deceased wife, Nancy Mervil; authorizing and directing the City of Delray Beach to compensate them for the death of Nancy Mervil due to the negligence of an employee of the city; providing terms and conditions regarding the payment and use of such compensation; providing an effective date.

WHEREAS, at approximately 9:38 p.m. on July 27, 2000, when she was en route to pick up her minor child, Taisha, Nancy Mervil was stopped at the intersection of Linton Boulevard and Catherine Drive in Delray Beach, waiting to turn left, and

WHEREAS, an on-duty police officer employed by the City of Delray Beach, while responding to a call regarding a domestic disturbance, was traveling eastbound in the outside lane of Linton Boulevard, and

WHEREAS, the officer had turned on his vehicle's emergency lights, but failed to turn on his sirens and, while driving his vehicle at a speed of between 85 and 90 mph in a 45-mph zone, lost control of his vehicle, struck the rear of Nancy Mervil's vehicle, and caused her vehicle to roll over, become airborne, and crash into the hood of another vehicle, and

WHEREAS, Nancy Mervil was killed in the accident, and

WHEREAS, at the time of her death, Nancy Mervil was 24 years old, was married to Jesner Exanor, and was the mother of two minor children, Taisha Exanor, born December 2, 1999, and Orlens Poulard, born November 2, 1993, and

WHEREAS, according to the investigative homicide report completed by a law enforcement investigator with the Florida Highway Patrol, the officer who was involved in the accident violated s. 316.072(5)(c), Florida Statutes, by failing to drive with due regard for the safety of others, and

WHEREAS, the investigation also suggested that the City of Delray Beach had failed to properly maintain the police officer's vehicle at the time of the collision in question, thereby contributing to this unfortunate accident, and

WHEREAS, Jesner Exanor, individually, on behalf of the two minor children, and as personal representative of his wife's estate, filed suit against the City of Delray Beach, and

WHEREAS, in its answer to the complaint, the city admitted that the police officer negligently caused Nancy Mervil's death, and

WHEREAS, the economic damages in this case are substantial, having been assessed at $823,000, based on the assumption that Nancy Mervil would have been employed as a home health aide, and, alternatively, having been assessed at $1,101,000, based on the assumption that she would have completed training as a nursing assistant and would have been employed as a nursing assistant, as she had planned, and

WHEREAS, subsequent to the filing of the complaint in this matter, the parties agreed to and conducted a mediation that resulted in an agreement to settle with the City of Delray Beach for a cash payment of $195,000 plus $1,305,000, part of which would be used to purchase annuities, and

WHEREAS, the City of Delray Beach has made the cash payment of $195,000 in accordance with the terms of the settlement agreement, and

WHEREAS, it has been stated that 40 percent of the settlement proceeds will be distributed to Jesner Exanor and 30 percent to each minor child, with other terms of the annuities to be determined at the time of passage of a claim bill allowing the city to reimburse the claimants in an amount greater than that allowed by s. 768.28, Florida Statutes, NOW, THEREFORE,

Rep. Rubio moved the adoption of the amendment, which was adopted.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

HB 587—A bill to be entitled An act relating to Palm Beach County; providing for the relief of Lawrence Douglas Bigney; authorizing and directing the Sheriff's Office of Palm Beach County to compensate him for personal injuries suffered due to the unlawful acts of an employee of the Palm Beach County Sheriff's Office; providing an effective date.

—was read the second time by title and, under Rule 10.13(b), referred to the Engrossing Clerk.

HB 425—A bill to be entitled An act relating to Miami-Dade County; providing for the relief of Hilda De Paz; authorizing and directing Miami-Dade County to compensate Hilda De Paz for personal injuries

she suffered due to the negligence of county employees; providing an effective date.

—was read the second time by title and, under Rule 10.13(b), referred to the Engrossing Clerk.

HB 361—A bill to be entitled An act relating to Miami-Dade County; providing for the relief of Millie Jackson; providing for an appropriation to compensate her for injuries and damages sustained as a result of negligent acts by an employee of Miami-Dade County; providing an effective date.

—was read the second time by title and, under Rule 10.13(b), referred to the Engrossing Clerk.

HB 37—A bill to be entitled An act relating to the Palm Beach County Health Care District; providing for the relief of James Torrence; authorizing and directing the Palm Beach County Health Care District to compensate him for personal injuries resulting from surgery negligently performed by a health care district employee; providing an effective date.

—was read the second time by title.

Representative(s) Rubio offered the following:

(Amendment Bar Code: 905707)

Amendment 1—On page 3, line 20,
remove: all of said line

and insert:
the sum of $400,000, which amount includes statutory attorney's fees and costs, payable to James Torrence as compensation

Rep. Rubio moved the adoption of the amendment, which was adopted.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

HB 39—A bill to be entitled An act relating to the City of West Palm Beach; providing for the relief of Rosemary Falkinburg; authorizing and directing the City of West Palm Beach to compensate Rosemary Falkinburg for personal injuries she suffered due to the negligence of a city employee; providing an effective date.

—was read the second time by title.

Representative(s) Rubio offered the following:

(Amendment Bar Code: 370319)

Amendment 1—On page 2, lines 22-31,
remove: all of said lines

and insert: *and directed to appropriate from funds of the city not otherwise appropriated and to draw a warrant payable to Rosemary Falkinburg in two equal installments for the total amount of $500,000, which amount includes statutory attorney's fees and costs, for injuries and damages she sustained as a result of the negligence of a city employee. The initial installment of $250,000 shall be paid within 30 days after the effective date of this act, and the second installment of $250,000 shall be paid on the 1-year anniversary of the initial payment.*

Rep. Rubio moved the adoption of the amendment, which was adopted.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

HB 61—A bill to be entitled An act relating to the North Broward Hospital District; providing for the relief of Mark Schwartz, a minor, for injuries sustained as a result of the negligence of employees of the Coral Springs Medical Center; providing an effective date.

—was read the second time by title.

The Committee on Claims offered the following:

(Amendment Bar Code: 355231)

Amendment 1—On page 2, line 18, of the bill

insert: *payment to be made out of North Broward Hospital District Self Insured Trust*

Rep. Rubio moved the adoption of the amendment.

Representative(s) Seiler offered the following:

(Amendment Bar Code: 101383)

Substitute Amendment 1 (with title amendment)—
Remove everything after the enacting clause

and insert:

Section 1. *The facts stated in the preamble to this act are found and declared to be true.*

Section 2. *The North Broward Hospital District is directed to compensate Lori Schwartz and Larry Schwartz as parents and legal guardians of Mark Schwartz, a minor, in the amount of $400,000 for injuries and damages caused by the negligence of the district, such payment to be made out of the district's Self Insured Trust. After payment of statutory attorney's fees and costs, the balance shall be paid into the guardianship account established for Mark Schwartz.*

Section 3. 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 the North Broward Hospital District; providing for the relief of Mark Schwartz, a minor, for injuries sustained as a result of the negligence of employees of the Coral Springs Medical Center; providing an effective date.

WHEREAS, on April 29, 1997, Lori Schwartz, who was nine months pregnant and in labor, presented herself at the Coral Springs Medical Center, and

WHEREAS, Ms. Schwartz was admitted to the hospital, where her difficult labor continued for many hours, and

WHEREAS, the nurses who cared for Ms. Schwartz during her labor were aware of the difficulties of the labor and of the indication of fetal distress, and

WHEREAS, the nurses caring for Ms. Schwartz during her labor failed to assess the situation and communicate the difficulties of the labor and the fetal distress to the obstetrician in a timely manner, and

WHEREAS, as a result of the nurses' failure to timely assess the situation and timely notify the physician of the fetal distress, Ms. Schwartz's baby, Mark Schwartz, suffered anoxic encephalopathy during deliver, and

WHEREAS, as a result of the lack of oxygen during his birth, Mark Schwartz suffers from serious and irreversible brain damage, which has left him profoundly disabled with severe cognitive and motor dysfunction necessitating full-time care for the rest of his life, and

WHEREAS, a lawsuit was filed against the North Broward Hospital District and others for compensation, and

WHEREAS, during the litigation but before trial, the parties reached a settlement, and

WHEREAS, pursuant to the settlement, the North Broward Hospital District has agreed to pay a total of $600,000 to compensate Mark Schwartz for his injuries, and

WHEREAS, the hospital district has paid $200,000, pursuant to section 768.28, Florida Statutes, and agrees to affirmatively support a claim bill in the amount of $400,000, NOW, THEREFORE,

Rep. Seiler moved the adoption of the substitute amendment, which was adopted.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

HB 63—A bill to be entitled An act relating to Orange County; providing for the relief of Maria Garcia, as legal guardian of Delfina Benjumea; providing for an appropriation to compensate her for injuries and damages sustained by Delfina Benjumea as a result of the negligence of the Orange County Sheriff's Office; providing for a reversionary interest to the Orange County Sheriff's Office; providing legislative intent with respect to expenditures; providing an effective date.

—was read the second time by title.

The Committee on Claims offered the following:

(Amendment Bar Code: 701451)

Amendment 1—On page 3, line 16,
remove: "$262,954."

and insert: $152,500, which amount includes statutory attorney's fees and costs,

Rep. Rubio moved the adoption of the amendment, which was adopted.

Representative(s) Ritter offered the following:

(Amendment Bar Code: 651403)

Amendment 2 (with title amendment)—On page 3, lines 20-23,
remove: said lines

and insert: *negligence of the Orange County Sheriff's Office. It is the intent of the*

And the title is amended as follows:

On page 1, lines 8-9,
remove: said lines

and insert: Sheriff's Office;

Rep. Ritter moved the adoption of the amendment, which was adopted.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

HB 85—A bill to be entitled An act relating to Miami-Dade County; providing for the relief of Jessica Ann Calderon, personal representative of the Estate of Roberto Luis Calderon, Sean Ryan Calderon, minor child of Roberto Luis Calderon and Jessica Ann Calderon, and Lily Ann Calderon, minor child of Roberto Luis Calderon and Jessica Ann Calderon; providing for an appropriation to compensate them for the wrongful death of Roberto Luis Calderon as a result of the negligence of a Miami-Dade County employee; providing an effective date.

—was read the second time by title and, under Rule 10.13(b), referred to the Engrossing Clerk.

HB 189—A bill to be entitled An act relating to Halifax Hospital Medical Center, a special taxing district in Volusia County d/b/a Halifax Medical Center; providing for the relief of Steven Mitchell; authorizing and directing Halifax Hospital Medical Center to compensate Steven Mitchell for personal injuries that he suffered while at Halifax Medical Center; providing an effective date.

—was read the second time by title.

The Committee on Claims offered the following:

(Amendment Bar Code: 132523)

Amendment 1 (with title amendment)—
Remove everything after the enacting clause

and insert:

Section 1. The facts stated in the preamble to this act are found and declared to be true.

Section 2. Halifax Hospital Medical Center, a special taxing district in Volusia County d/b/a Halifax Medical Center, is authorized and directed to appropriate from funds of the medical center not otherwise appropriated and to draw warrants payable as follows:

(1) To Steven Mitchell in the amount of $15,000 per month into a Special Needs Trust for the remainder of his life to compensate him for injuries and damages he sustained, which will be administered based upon his needs;

(2) To Steven Mitchell in the amount of $50,000 into the Special Needs Trust;

(3) To claimant's attorneys, Searcy, Denney, Scarola, Barnhart & Shipley, P.A., in the amount of $625,000 as payment of attorney's fees; and

(4) To claimant's attorneys in the amount of $200,000 as payment of costs incurred.

Section 3. This act shall take effect upon becoming a law.

And the title is amended as follows:
remove: the entire title

and insert: An act relating to Halifax Hospital Medical Center, a special taxing district in Volusia County d/b/a Halifax Medical Center; providing for the relief of Steven Mitchell; authorizing and directing Halifax Hospital Medical Center to compensate Mr. Mitchell for personal injuries that he suffered while at Halifax Medical Center; providing an effective date.

WHEREAS, on March 8, 1995, Steven Mitchell, who had traveled from his home in Nashville, Tennessee, to Daytona Beach, was riding his motorcycle northbound on County Road 415 in West Volusia County when a motorist pulled out of a side road immediately into Mr. Mitchell's path, causing an accident, and

WHEREAS, emergency medical personnel stabilized Mr. Mitchell's neck appropriately and transported him to Halifax Hospital's emergency room, where he was diagnosed, treated, and released, and

WHEREAS, by the next day, Mr. Mitchell was experiencing respiratory problems and severe pain and could not move his legs, and

WHEREAS, after he was subsequently readmitted to the emergency department, it was immediately determined that his spinal cord had been damaged so as to cause quadriplegia, and

WHEREAS, Steven Mitchell currently resides in Tennessee and is in need of significant care and medical equipment and 24-hour-a-day attendant care, and

WHEREAS, a lawsuit was filed against the Halifax Hospital Medical Center, alleging that the negligence of hospital employees caused or contributed to the injuries to Steven Mitchell, and

WHEREAS, after years of litigation but prior to trial, the parties began settlement negotiations in an effort to resolve this matter, and

WHEREAS, the parties have reached an agreement whereby the Halifax Hospital Medical Center would pay a sum that has a present total value of $2,500,000 to resolve this claim, and

WHEREAS, the agreement between the parties has been reviewed and approved by the circuit court, and

WHEREAS, pursuant to the agreement and in accordance with the limits set forth in section 768.28, Florida Statutes, the Halifax Hospital Medical Center has paid Steven Mitchell and his emancipated daughter $200,000, leaving a total of $2,300,000 to be paid pursuant to a claim bill, NOW, THEREFORE,

Rep. Rubio moved the adoption of the amendment, which was adopted.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

HB 225—A bill to be entitled An act relating to Indian River County; providing for the relief of Sharon Dixon and Victor Dixon, Sr.;

authorizing and directing the School Board of Indian River County to compensate them for the wrongful death of their minor child, Victor Dixon, Jr., due to the negligence of an employee of the school board; providing an effective date.

—was read the second time by title.

The Committee on Claims offered the following:

(Amendment Bar Code: 944817)

Amendment 1—On page 3, line 7, of the bill

after the period insert: *Sharon Dixon shall receive 60 percent, $734,636.34, and Victor Dixon, Sr., shall receive 40 percent, $489,757.56, of the claim bill amount of $1,224,393.90. Each year of the 3-year installment shall be paid on the basis of Sharon Dixon receiving 60 percent and Victor Dixon, Sr., receiving 40 percent.*

Rep. Rubio moved the adoption of the amendment.

Representative(s) Gannon offered the following:

(Amendment Bar Code: 485239)

Substitute Amendment 1 (with title amendment)—
Remove everything after the enacting clause

and insert:

Section 1. *The facts stated in the preamble to this act are found and declared to be true.*

Section 2. *The School Board of Indian River County is authorized and directed to compensate Sharon Dixon and Victor Dixon, Sr., for the wrongful death of their minor child, Victor Dixon, Jr., in the amount of $1,224,393.90, which amount includes statutory attorney's fees and costs and which shall be paid in three installments with no interest due, with $489,757.56 to be paid in 2002, $367,318.17 to be paid in 2003, and $367,318.17 to be paid in 2004, out of funds of the School Board of Indian River County not otherwise appropriated. Sharon Dixon shall receive 60 percent, $734,636.34, and Victor Dixon, Sr., shall receive 40 percent, $489,757.56, of the claim bill amount of $1,224,393.90. Each year of the 3-year installment shall be paid on the basis of Sharon Dixon receiving 60 percent and Victor Dixon, Sr., receiving 40 percent.*

Section 3. 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 Indian River County; providing for the relief of Sharon Dixon and Victor Dixon, Sr.; authorizing and directing the School Board of Indian River County to compensate them for the wrongful death of their minor child, Victor Dixon, Jr., due to the negligence of an employee of the school board; providing an effective date.

WHEREAS, on January 25, 1999, Victor Dixon, Jr., a minor, was a passenger on a school bus owned by the School Board of Indian River County, and

WHEREAS, the school bus was being operated by an individual who was acting in the course and scope of her employment as a bus driver for the School Board of Indian River County, and

WHEREAS, at the intersection of 66th Avenue and 45th Street in Vero Beach, Indian River County, Florida, the school-bus driver ran a stop sign and collided with a tractor-trailer truck, causing the bus to overturn, and

WHEREAS, as a result of the collision, Victor Dixon, Jr., sustained injuries that resulted in his death, and

WHEREAS, a court found the School Board of Indian River County vicariously liable for the negligence on the part of its employee, and

WHEREAS, during the trial relating to this matter, the defendant, the School Board of Indian River County, admitted that the negligence of its employee in running the stop sign was the sole cause of the accident that caused the death of Victor Dixon, Jr., and

WHEREAS, on July 20, 2000, a jury verdict was returned, and, on September 14, 2000, a final judgment was entered, in the amount of $1,500,000 on behalf of Sharon Dixon and $1,000,000 on behalf of Victor Dixon, Sr., for the wrongful death of their 8-year-old son and only child, Victor Dixon, Jr., and

WHEREAS, on November 22, 2000, a writ of execution in the amount of $275,606.10 was levied against the Indian River County School Board, and that amount has been paid by the school board, and

WHEREAS, that payment represented the amount owed under section 768.28, Florida Statutes, relating to waiver of sovereign immunity, and

WHEREAS, on April 19, 2001, a settlement agreement was reached between the Indian River County School Board and Sharon Dixon and Victor Dixon, Sr., at an open and public school board meeting in the amount of $1,500,000, less $275,606.10 which has already been paid, and

WHEREAS, at this time, claimants are seeking a claim bill in the amount of $1,224,393.90 to be paid over a 3-year period with no interest due, with 40 percent of the claim to be paid in 2002, 30 percent to be paid in 2003, and 30 percent to be paid in 2004, which represents the balance owed on the amount awarded in the final judgment, NOW, THEREFORE,

Rep. Gannon moved the adoption of the substitute amendment, which was adopted.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

HB 375—A bill to be entitled An act relating to the School Board of Palm Beach County; providing for the relief of Mary Nell Dent Harley, as legal guardian of Ariel Alexus Dent, for injuries sustained by Ariel Alexus Dent as the result of negligence on the part of an employee of the board; providing an effective date.

—was read the second time by title.

The Committee on Claims offered the following:

(Amendment Bar Code: 043487)

Amendment 1—On page 2, lines 14-15,
remove: ~~placed in a guardianship account for the benefit of Ariel Alexus Dent.~~

and insert: *used to purchase an annuity for the benefit of Ariel Alexus Dent which will yield her funding beginning at age 18 and consisting of $25,000 per year guaranteed for 5 years; lifetime monthly income of approximately $2,000 per month guaranteed for 360 months beginning at age 22; and guaranteed payments at ages 25 and 30 in the approximate amounts of $50,000 at age 25 and $93,000 at age 30.*

Rep. Rubio moved the adoption of the amendment, which was adopted.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

HB 563—A bill to be entitled An act relating to the Sheriff of St. Lucie County; providing for the relief of William Hennelly and Anne Hennelly; authorizing and directing the St. Lucie County Sheriff's Office to compensate them for personal injuries they suffered due to the negligence of employees of the sheriff's office; providing an effective date.

—was read the second time by title.

Representative(s) Smith offered the following:

(Amendment Bar Code: 215823)

Amendment 1—On page 2, line 26,
remove: 3,508,941

and insert: 1,250,000

Rep. Smith moved the adoption of the amendment, which was adopted.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

On motion by Rep. Byrd, the House moved to the consideration of HB 187 on Special Orders.

HB 187—A bill to be entitled An act for the relief of Towanna Denise Hopkins, incompetent, by and through Willie Lee Hopkins, her father and legally appointed guardian, Robert Keith Bowman, Jr., son of Towanna Denise Hopkins, and Willie Lee Hopkins, individually; authorizing and directing the Florida Board of Regents, the University of South Florida, and the USF Health Sciences Center Insurance Company to compensate them for injuries and damages sustained as a result of the negligence of agents of the Florida Board of Regents by and through the University of South Florida College of Medicine; providing an effective date.

—was read the second time by title and, under Rule 10.13(b), referred to the Engrossing Clerk.

On motion by Rep. Byrd, the House moved to the consideration of HB 369 on Special Orders.

HB 369—A bill to be entitled An act for the relief of Kathleen McCarty, individually and as personal representative of the Estate of Laura Bailey, deceased, and George Decker and Joan Decker, individually and as co-personal representatives of the Estate of Christina Decker; providing appropriations to compensate them for losses sustained as a result of the actions of the Department of Children and Family Services; providing an effective date.

—was read the second time by title and, under Rule 10.13(b), referred to the Engrossing Clerk.

On motion by Rep. Byrd, the House moved to the consideration of CS for SB 1926 on Bills and Joint Resolutions on Third Reading.

Bills and Joint Resolutions on Third Reading

CS for SB 1926—A bill to be entitled An act relating to citrus canker; amending s. 581.184, F.S.; revising the definition of citrus trees that are exposed to infection from the citrus canker bacteria; providing for the removal and destruction of infected citrus trees and citrus trees exposed to infection; providing for notice of removal by immediate final order; providing requirements for an immediate final order; requiring certain information to be provided to a property owner; deleting certain duties of the Department of Agriculture and Consumer Services; authorizing chief law enforcement officers to perform certain duties; amending s. 933.02, F.S.; providing grounds for issuance of search warrants relating to the spread of citrus canker; amending s. 933.07, F.S.; authorizing the department to obtain a search warrant and requiring a court proceeding prior to the issuance of such search warrant; providing for repeal and review of s. 581.184(1)(b), F.S., relating to definition of the term "exposed to infection"; providing effective dates.

—was read the third time by title.

On motion by Rep. Byrd, the House vote on CS for SB 1926 was set for a time certain of 11:55 a.m.

THE SPEAKER IN THE CHAIR

Rep. Maygarden suggested the absence of a quorum. A quorum was present [Session Vote Sequence: 890].

The question recurred on the passage of CS for SB 1926. The vote was:

Session Vote Sequence: 891

Yeas—89

The Chair	Allen	Argenziano	Atwater
Alexander	Andrews	Attkisson	Ausley
Baker	Evers	Jordan	Needelman
Ball	Farkas	Joyner	Negron
Baxley	Fasano	Kallinger	Paul
Bean	Fields	Kendrick	Peterman
Bennett	Fiorentino	Kilmer	Pickens
Bense	Flanagan	Kosmas	Richardson
Benson	Frankel	Kottkamp	Romeo
Berfield	Gannon	Kravitz	Ross
Betancourt	Gardiner	Kyle	Russell
Bilirakis	Gibson	Lee	Simmons
Bowen	Goodlette	Littlefield	Siplin
Brown	Green	Lynn	Sorensen
Brummer	Harper	Machek	Spratt
Bullard	Harrell	Mack	Stansel
Byrd	Harrington	Mahon	Trovillion
Carassas	Hart	Mayfield	Wallace
Crow	Henriquez	Maygarden	Waters
Cusack	Hogan	McGriff	Wiles
Davis	Holloway	Meadows	
Detert	Jennings	Mealor	
Dockery	Johnson	Murman	

Nays—26

Arza	Diaz-Balart	Lerner	Slosberg
Barreiro	Garcia	Prieguez	Smith
Bendross-Mindingall	Gelber	Rich	Weissman
Brutus	Gottlieb	Ritter	Wilson
Bucher	Greenstein	Rubio	Wishner
Cantens	Heyman	Ryan	
Diaz de la Portilla	Lacasa	Seiler	

Votes after roll call:
Yeas—Clarke, Haridopolos
Yeas to Nays—Betancourt

So the bill passed and was immediately certified to the Senate.

On motion by Rep. Byrd, the House moved to the order of—

Messages from the Senate

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for CS for SB 694, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committees on Judiciary, Regulated Industries and Senator Geller—

CS for CS for SB 694—A bill to be entitled An act relating to condominiums and cooperatives; amending s. 702.09, F.S.; redefining the terms "mortgage" and "foreclosure proceedings"; amending s. 718.104, F.S.; revising provisions relating to declarations for the creation of a condominium; amending s. 718.106, F.S.; revising provisions relating to appurtenances that pass with a condominium unit; amending s. 718.110, F.S.; revising provisions relating to amendments to a declaration of condominium; amending s. 718.111, F.S.; revising provisions relating to the association; amending s. 718.112, F.S.; revising provisions relating to bylaws; amending s. 718.113, F.S.; revising provisions relating to material alterations of common elements or association real property operated by a multicondominium association; amending s. 718.115, F.S.; revising provisions relating to common expenses; amending s. 718.1255, F.S., relating to alternative dispute resolution procedures; providing for the expedited handling of any allegation of an irregularity in the election of any director of the board of administration of a condominium; amending s. 718.405, F.S.; revising provisions relating to multicondominiums and multicondominium associations; amending s. 718.503, F.S.; relating to disclosure requirements for the sale of certain condominiums; removing the requirement that question and answer sheets be part of the closing documents; amending s. 718.504, F.S.; revising provisions relating to

the prospectus or offering circular; creating s. 718.701, F.S.; providing definitions; creating s. 718.702, F.S.; providing for master association meetings; requiring certain notices; establishing meeting rules; creating s. 718.703, F.S.; providing powers of the Division of Florida Land Sales, Condominiums, and Mobile Homes over master associations; creating s. 718.704, F.S.; requiring master associations to provide certain financial records or statements; providing an effective date.

—was read the first time by title and referred to the Calendar of the House.

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed SB 1020, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By Senators Burt, Klein, Wise and Meek—

SB 1020—A bill to be entitled An act relating to payment-card transactions; providing restrictions on the information that may be printed on receipts for certain payment-card transactions; providing penalties; providing for enforcement; providing an effective date.

—was read the first time by title and referred to the Calendar of the House.

Recessed

The House recessed at 11:57 a.m., to reconvene at 12:30 p.m., or upon the call of the Chair.

Reconvened

The House was called to order by the Speaker at 12:32 p.m. A quorum was present [Session Vote Sequence: 892].

Continuation of Special Orders

Continuation of Special Order Calendar

II. Procedural & Redistricting Council

HB 495 was taken up. On motion by Rep. Gelber, SB 172 was substituted for HB 495. Under Rule 5.15, the House bill was laid on the table and—

SB 172—A bill to be entitled An act relating to violation of the election code; amending s. 104.091, F.S.; providing that any person who conspires with another person to violate the election code or who knowingly gives aid to a person who has violated the code with intent to help such person avoid or escape detection, arrest, trial, or punishment shall be punished as if he or she had committed the violation; providing penalties; amending s. 777.04, F.S.; exempting certain violations of the Florida Election Code from provisions specifying the ranking of an offense under the Criminal Punishment Code; providing an effective date.

—was read the second time by title and, under Rule 10.13(b), referred to the Engrossing Clerk.

CS/HB 909—A bill to be entitled An act relating to constitutional amendments proposed by initiative; amending s. 100.371, F.S.; reducing the period for which signatures on petitions for constitutional amendments proposed by initiative remain valid; requiring disclosure on the petition form of the use of paid persons to gather signatures; requiring submission of the text of such amendments to the Revenue Estimating Conference for determination of any fiscal impact; providing for affixing of fiscal impact statements to the text of such amendments prior to their circulation for signatures; providing a deadline for sponsors to submit signed and dated forms to the supervisors of elections; providing a deadline for supervisors of elections to certify signatures to the Secretary of State; providing rulemaking authority; providing an effective date.

—was read the second time by title and, under Rule 10.13(b), referred to the Engrossing Clerk.

CS/HJR 1131—A joint resolution proposing the creation of Section 20 of Article III and the amendment of Section 10 of Article IV and Sections 3 and 5 of Article XI of the State Constitution to authorize the proposal of legislation by initiative, to revise or provide requirements for amending the State Constitution by initiative which relate to signatures, voter approval, and economic impact, and to provide for Supreme Court review of initiative petitions proposing legislation.

—was read the second time by title.

REPRESENTATIVE MELVIN IN THE CHAIR

THE SPEAKER IN THE CHAIR

Representative(s) Johnson offered the following:

(Amendment Bar Code: 252579)

Amendment 1—On page 2, lines 6-7,
remove: *counties or municipalities*

and insert: *state or local government*

Rep. Johnson moved the adoption of the amendment.

REPRESENTATIVE LYNN IN THE CHAIR

The question recurred on the adoption of **Amendment 1**, which was adopted.

Representative(s) Johnson offered the following:

(Amendment Bar Code: 253651)

Amendment 2—On page 5, line 30,
remove: counties or municipalities

and insert: state or local government

Rep. Johnson moved the adoption of the amendment.

THE SPEAKER IN THE CHAIR

The question recurred on the adoption of **Amendment 2**, which was adopted.

Under Rule 10.13(b), the joint resolution was referred to the Engrossing Clerk.

THE SPEAKER PRO TEMPORE IN THE CHAIR

HB 493—A bill to be entitled An act relating to voter registration; amending s. 97.052, F.S.; authorizing private individuals and groups to reproduce voter registration applications under certain conditions; deleting the requirement to provide on a voter registration application the applicant's address of property for which a homestead exemption has been granted, if any; deleting the required statement informing applicants granted a homestead exemption of the repercussions of registering in a precinct other than that in which the homestead property is located; repealing s. 98.015(11), F.S., relating to duty of the supervisor of elections to report to the property appraiser certain information on a person registering to vote at an address different from the one where the person has filed for a homestead exemption, to conform; amending s. 196.141, F.S.; deleting the requirement for the property appraiser to review information provided by the supervisor of elections on certain voters and to initiate procedures to terminate homestead exemptions and assess back taxes, as appropriate, to conform; amending s. 97.057, F.S.; requiring the Department of Highway Safety and Motor Vehicles to forward copies of unsigned voter registration applications within a specified period to the appropriate supervisors of elections; amending s. 97.058, F.S.; requiring voter registration agencies to forward copies of incompleted voter registration applications within a specified period to the appropriate supervisors of

elections; amending s. 97.071, F.S.; requiring voter registration identification cards to have the name, rather than the signature, of the supervisor of elections; amending s. 97.1031, F.S.; revising notice requirements for change of residence within the same county; amending s. 98.0977, F.S.; revising duties of the supervisor of elections relating to maintenance of the voter registration rolls; providing for an administrative hearing, as an alternative to notice, to determine the eligibility of voters convicted of a felony or adjudicated mentally incapacitated with respect to voting; providing an effective date.

—was read the second time by title.

The Committee on Rules, Ethics & Elections offered the following:

(Amendment Bar Code: 152507)

Amendment 1 (with title amendment)—
Remove everything after the enacting clause

and insert:

Section 1. Paragraph (c) of subsection (1) of section 97.052, Florida Statutes, is amended to read:

97.052 Uniform statewide voter registration application.—

(1) The department shall prescribe a uniform statewide voter registration application for use in this state.

(c) The uniform statewide voter registration application may ~~not~~ be reproduced by any private individual or group*, provided the reproduced application is in the same format as the application prescribed under this section*.

Section 2. Paragraph (b) of subsection (2) of section 97.057, Florida Statutes, is amended to read:

97.057 Voter registration by the Department of Highway Safety and Motor Vehicles.—

(2) The Department of Highway Safety and Motor Vehicles shall:

(b) Require a driver's license examiner to inquire orally, or inquire in writing if the applicant is hearing impaired, and whether the applicant wishes to register to vote or update a voter registration record during the completion of a driver's license or identification card application, renewal, or change of address.

1. If the applicant chooses to register to vote or to update a voter registration record:

a. All applicable information received by the Department of Highway Safety and Motor Vehicles in the course of filling out the forms necessary under subsection (1) must be transferred to a voter registration application;

b. The additional necessary information must be obtained by the driver's license examiner and must not duplicate any information already obtained while completing the forms required under subsection (1); and

c. A voter registration application with all of the applicant's voter registration information must be presented to the applicant to sign.

2. If the applicant declines to register to vote, update the applicant's voter registration record, or change the applicant's address by either orally declining or by failing to sign the voter registration application, the Department of Highway Safety and Motor Vehicles must keep the declination for 2 years *but must forward a copy of the unsigned voter registration application within 5 days after receipt to the appropriate supervisor of elections*.

Section 3. Subsection (7) of of section 97.058, Florida Statutes, is amended to read:

97.058 Voter registration agencies.—

(7) A voter registration agency must retain declinations for a period of 2 years, during which time the declinations are not considered a record of the client pursuant to the laws governing the agency's records. *However, a voter registration agency must forward a copy of each incompleted voter registration application within 5 days after receipt to the appropriate supervisor of elections.*

Section 4. Paragraph (j) of subsection (1) of section 97.071, Florida Statutes, is amended to read:

97.071 Registration identification card.—

(1) A registration identification card must be furnished to all voters registering under the permanent single registration system and must contain:

(j) *Name* ~~Signature~~ of supervisor.

Section 5. Subsection (1) of section 97.1031, Florida Statutes, is amended to read:

97.1031 Notice of change of residence within the same county, change of name, or change of party.—

(1) When an elector moves from the address named on that person's voter registration record to another address within the same county, the elector must provide ~~a signed, written~~ notification of such move to the supervisor of elections of that county. *The elector may provide the supervisor a signed, written notice or may notify the supervisor by telephone or electronic means. However, notification of such move other than by signed, written notice must include the elector's date of birth.* ~~and obtain~~ A registration identification card reflecting the new address of legal residence *shall be issued to the elector as provided in subsection (4)*.

Section 6. Subsection (3) of section 98.0977, Florida Statutes, is amended to read:

98.0977 Statewide voter registration database; development and maintenance.—

(3)*(a)* In administering the database, each supervisor of elections shall compare registration information provided by a voter with information held by the Department of Law Enforcement, the Board of Executive Clemency, the Office of Vital Statistics, and other relevant sources.

(b) The supervisor of elections shall remove from the voter registration rolls the name of any person who is listed in the database as deceased.

(c) Information in the database indicating that a person registered to vote in a given county has subsequently registered to vote in another jurisdiction shall be considered as a written request from that voter to have his or her name removed from the voter registration rolls of that county, and the supervisor of elections of that county shall remove that voter's name from the county's voter registration rolls.

(d) When ~~If~~ the supervisor of elections finds information *through the database* that suggests that a voter *has been convicted of a felony and has not had his or her civil rights restored or has been adjudicated mentally incompetent and his or her mental capacity with respect to voting has not been restored* ~~is ineligible to register to vote~~, the supervisor of elections shall notify the voter by certified United States mail. The notification shall contain a statement as to the reason for the voter's potential ineligibility to *be registered* ~~register~~ to vote and shall request information from the voter on forms provided by the supervisor of elections ~~in order to make a final determination on the voter's eligibility~~. *As an alternative, the voter may attend a hearing at a time and place specified in the notice. If there is evidence that the notice was not received, notice must be given once by publication in a newspaper of general circulation in the county. The notice must plainly state that the voter is potentially ineligible to be registered to vote and must state a time and place for the person to appear before the supervisor of elections to show cause why his or her name should not be removed from the voter registration rolls.* After reviewing the information ~~requested by the supervisor of elections and~~ provided by the voter, if the supervisor of elections determines that the voter is not eligible to vote under the laws of this state, the supervisor of elections shall notify the voter by certified United States mail that he or she has been found ineligible to *be*

registered ~~register~~ to vote in this state, shall state the reason for the ineligibility, and shall inform the voter that he or she *has been* ~~will be~~ removed from the voter registration rolls. *The supervisor of elections shall remove from the voter registration rolls the name of any voter who fails either to respond within 30 days to the notice sent by certified mail or to attend the hearing.*

(e) Upon hearing all evidence in a hearing, the supervisor of elections must determine whether there is sufficient evidence to strike the person's name from the registration books. If the supervisor determines that there is sufficient evidence, he or she must strike the name.

(f) Appeal may be taken to the circuit court in and for the county where the person was registered. Notice of appeal must be filed within the time and in the manner provided by the Florida Rules of Appellate Procedure and acts as supersedeas. Trial in the circuit court is de novo and governed by the rules of that court. Unless the person can show that his or her name was erroneously or illegally stricken from the registration books or that he or she is indigent, the person must bear the costs of the trial in the circuit court. Otherwise, the cost of the appeal must be paid by the board of county commissioners.

Section 7. This act shall take effect upon becoming a law.

And the title is amended as follows:
remove everything before the enacting clause

and insert: A bill to be entitled An act relating to voter registration; amending s. 97.052, F.S.; authorizing private individuals and groups to reproduce voter registration applications under certain conditions; amending s. 97.057, F.S.; requiring the Department of Highway Safety and Motor Vehicles to forward copies of unsigned voter registration applications within a specified period to the appropriate supervisors of elections; amending s. 97.058, F.S.; requiring voter registration agencies to forward copies of incompleted voter registration applications within a specified period to the appropriate supervisors of elections; amending s. 97.071, F.S.; requiring voter registration identification cards to have the name, rather than the signature, of the supervisor of elections; amending s. 97.1031, F.S.; revising notice requirements for change of residence within the same county; amending s. 98.0977, F.S.; revising duties of the supervisor of elections relating to maintenance of the voter registration rolls; providing for a hearing, as an alternative to notice, to determine the eligibility of voters convicted of a felony or adjudicated mentally incapacitated with respect to voting; requiring removal of a person's name from the registration books upon a determination of sufficient evidence; providing for appeal and for payment of the costs thereof; providing an effective date.

Rep. Fiorentino moved the adoption of the amendment, which was adopted.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

HB 727—A bill to be entitled An act relating to domestic security; amending s. 252.311, F.S.; providing legislative findings with respect to counterterrorism efforts and initial responses to acts of terrorism within or affecting this state; creating s. 775.30, F.S.; defining "terrorism" for use in the criminal code; amending s. 943.03, F.S.; specifying the duties of the Department of Law Enforcement with regard to counterterrorism efforts, responses to acts of terrorism, and other domestic security matters related to terrorism; creating s. 943.0311, F.S.; requiring the executive director of the department to serve as or designate a Chief of Domestic Security Initiatives; specifying duties of the chief; requiring the chief to conduct security assessments of buildings and facilities owned or leased by state agencies or local governments; requiring the chief to recommend minimum security standards or needs for security enhancement to the Governor and the Legislature; requiring the chief to develop recommended best practices for safety and security; authorizing security assessments of buildings or facilities owned by private entities; requiring the executive director of the department to submit recommendations concerning security to the Governor and the Legislature; creating s. 943.0312, F.S.; requiring the department to establish a regional domestic security task force in each of its operational regions; providing for membership; providing goals and objectives; requiring the Chief of Domestic Security Initiatives to recommend funding and training requirements to the Governor and the Legislature; requiring the regional task forces to ensure appropriate investigation of and response to certain hate crimes; providing for per diem and travel expenses; requiring the department to provide staff and administrative support for the task forces; creating s. 943.0321, F.S.; creating the Florida Domestic Security and Counterterrorism Intelligence Center within the department; creating the Florida Domestic Security and Counterterrorism Database within the intelligence center; providing functions of the intelligence center with respect to gathering and analyzing active criminal intelligence information and criminal investigative information; requiring the intelligence center to maintain and operate the database; providing requirements for the database; requiring the department to establish methods for transfer of data to it and provide information from the database to law enforcement agencies and prosecutors; providing that information that is exempt from public disclosure and is released to another agency or prosecutor by the intelligence center retains such exemption; providing that information that is exempt from public disclosure and is obtained by the intelligence center retains such exemption; providing an effective date.

—was read the second time by title.

The Committee on Crime Prevention, Corrections & Safety offered the following:

(Amendment Bar Code: 734175)

Amendment 1 (with title amendment)—
Remove everything after the enacting clause

and insert:

Section 1. Subsection (3) of section 252.365, Florida Statutes, is amended to read:

252.365 Designation of emergency coordination officers.—

(3) These individuals shall be responsible for ensuring that each state *agency and* facility, such as a prison, office building, or university, has a disaster preparedness plan that is *coordinated with* ~~approved by~~ the applicable local *emergency-management* ~~emergency management~~ agency *and approved by* ~~or~~ the division.

(a) The disaster-preparedness plan must outline a comprehensive and effective program to ensure continuity of essential state functions under all circumstances. The plan must identify a baseline of preparedness for a full range of potential emergencies to establish a viable capability to perform essential functions during any emergency or other situation that disrupts normal operations.

(b) The plan must include, at a minimum, the following elements: identification of essential functions, programs, and personnel; procedures to implement the plan and personnel notification and accountability; delegations of authority and lines of succession; identification of alternative facilities and related infrastructure, including those for communications; identification and protection of vital records and databases; and schedules and procedures for periodic tests, training, and exercises.

(c) The division shall develop and distribute guidelines for developing and implementing the plan. Each agency is encouraged to initiate and complete development of its plan immediately, but no later than July 1, 2003.

Section 2. This act shall take effect upon becoming a law.

And the title is amended as follows:

On page 1, line 2,
remove: entire title

and insert: An act relating to disaster preparedness; amending s. 252.365, F.S.; revising the process for coordination and approval of disaster-preparedness plans; directing each agency coordination officer to complete a revised plan by a specified date; requiring the Division of Emergency Management of the Department of Community Affairs to develop guidelines for the plans; providing an effective date

Rep. Goodlette moved the adoption of the amendment, which was adopted.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

HB 705 was taken up. On motion by Rep. Gelber, the rules were waived and SB 954 was substituted for HB 705. Under Rule 5.15, the House bill was laid on the table and—

SB 954—A bill to be entitled An act relating to county and municipal employees and contractors; authorizing a county or municipality to require, by ordinance, the screening of an employee, appointee, or applicant for employment or appointment to a position that is critical to security or public safety; authorizing the screening of a contractor, vendor, repair person, or delivery person who has access to public facilities that are critical to security or public safety; requiring that fingerprints of applicants and employees be submitted to the Department of Law Enforcement and the Federal Bureau of Investigation for a check of criminal history records; authorizing the county or municipality to use information obtained from a criminal history record check to determine a person's eligibility for employment or appointment; amending s. 112.011, F.S.; permitting denial of employment under certain circumstances by counties and municipalities for positions deemed to be critical to security or public safety; providing an effective date.

—was read the second time by title and, under Rule 10.13(b), referred to the Engrossing Clerk.

CS/HB 735—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; creating an exemption from public records requirements for building plans, blueprints, schematic drawings, and diagrams of specified facilities and structures owned or operated by an agency; providing for retroactive application of the exemption; providing exceptions to the exemption; providing for future review and repeal; providing an effective date.

—was read the second time by title and, under Rule 10.13(b), referred to the Engrossing Clerk.

HB 1439—A bill to be entitled An act relating to the interception of communications; amending s. 934.02, F.S.; revising definitions; including wire communications within the meaning of an electronic communications system; redefining the terms "pen register" and "trap and trace device"; defining the terms "foreign intelligence information," "protected computer," and "computer trespasser"; amending s. 934.03, F.S.; authorizing the interception of certain wire or electronic communications of a computer trespasser; amending s. 934.07, F.S.; authorizing the Department of Law Enforcement to intercept wire, oral, or electronic communications for purposes of investigating certain additional offenses concerning terrorism and the attempted or threatened use of a destructive device or weapon of mass destruction; requiring a law enforcement agency to notify the Department of Law Enforcement if an intercepted communication provides evidence of certain acts of terrorism; amending s. 934.09, F.S.; providing for the interception of communications upon certain findings of activities that threaten the security of the nation or state; specifying circumstances under which the court may authorize the interception of communications outside the court's jurisdiction; amending s. 934.08, F.S.; authorizing the disclosure of the contents of an intercepted communication to certain state and federal officials; amending s. 934.22, F.S.; prohibiting a provider of electronic communication service or a provider of remote computing service from disclosing the contents of communications or information pertaining to a subscriber or customer; specifying certain exceptions; amending s. 934.23, F.S.; providing for disclosure of information pertaining to a subscriber or customer under specified circumstances and pursuant to a warrant; amending s. 934.27, F.S.; providing that a request of an investigative or law enforcement officer to preserve records is a defense with respect to a civil or criminal action concerning unlawful access to communications; amending s. 934.31, F.S.; prohibiting the recording of the contents of communications by the use of a pen register or trap and trace device; amending s. 934.33, F.S.; requiring that a certification of an order for a pen register or a trap and trace device be provided to any person or entity not specifically named in the order; requiring that the order include information concerning location of the device and geographic limits of the order; requiring an investigative or law enforcement agency to maintain a record of the use of a pen register or trap and trace device installed pursuant to an ex parte order; requiring that the record be provided to the court; amending s. 934.34, F.S.; providing for a trap and trace device to be installed on other facilities; providing an effective date.

—was read the second time by title.

The Committee on Security, Select offered the following:

(Amendment Bar Code: 785791)

Amendment 1—On page 21, lines 28-29
remove: all of said lines

and insert: prisoner; and

Rep. Gelber moved the adoption of the amendment, which was adopted.

Representative(s) Gelber offered the following:

(Amendment Bar Code: 173365)

Amendment 2—On page 11, line 27 and on page 13, line 8 of the bill

after *occur,* insert: *or the communication to be intercepted or expected to be intercepted is occurring or will likely occur,*

Rep. Gelber moved the adoption of the amendment, which was adopted.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

CS/CS/HB 223 was taken up. On motion by Rep. Ritter, the rules were waived and CS for SB 520 was substituted for CS/CS/HB 223. Under Rule 5.15, the House bill was laid on the table and—

CS for SB 520—A bill to be entitled An act relating to driver's licenses; amending s. 322.051, F.S.; revising application requirements for the issuance of an identification card; revising the expiration period for an identification card issued to a person who established his or her identity by using specified identification documents; amending s. 322.08, F.S.; revising application requirements for the issuance of a driver's license; amending s. 322.17, F.S.; revising requirements relating to the issuance of a duplicate driver's license; amending s. 322.18, F.S.; revising the expiration period for a driver's license issued to a person who established his or her identity by using specified identification documents; requiring a person issued such a license to renew it in person and submit certain identification documents; amending s. 322.19, F.S.; revising requirements relating to name and address changes for driver's licenses; amending s. 322.212, F.S.; prohibiting a person from knowingly selling, manufacturing, or delivering, or offering to sell, manufacture, or deliver, any blank, forged, stolen, fictitious, counterfeit, or unlawfully issued driver's license or identification card or any instrument in the similitude of such license or card; authorizing investigations of a violation of certain provisions; providing a penalty; amending s. 921.0022, F.S.; correcting statutory reference; providing an effective date.

—was read the second time by title.

Representative(s) Ball offered the following:

(Amendment Bar Code: 231801)

Amendment 1 (with directory language and title amendments)—On page 8, lines 3-16
remove: all of said lines

And the directory language is amended as follows:

On page 6, lines 20-21
remove: all of said lines

and insert:

Section 4. Subsection (1) of section 322.212, Florida Statutes, is amended to read:

And the title is amended as follows:

On page 1, lines 24-25,
remove: all of said lines

and insert: similitude of such license or card; authorizing investigations of a

Rep. Ball moved the adoption of the amendment, which was adopted.

On motion by Rep. Brutus, under Rule 12.2(c), the following late-filed amendment was considered.

Representative(s) Brutus offered the following:

(Amendment Bar Code: 230529)

Amendment 2—On page 5, line 18, after the period

insert:
In order to prove such nonimmigrant classification, applicants may produce the following documents:

a. A notice of hearing from an immigration court scheduling a hearing on any proceeding.

b. A notice from the Board of Immigration Appeals acknowledging pendency of an appeal.

c. Notice of the approval of an application for adjustment of status issued by the United States Immigration and Naturalization Service.

d. Any official documentation confirming the filing of a petition for asylum status or any other relief issued by the United States Immigration and Naturalization Service.

e. Notice of action transferring any pending matter from another jurisdiction to Florida, issued by the United States Immigration and Naturalization Service.

f. Order of an immigration judge or immigration officer granting any relief that authorizes the alien to live and work in the United States including, but not limited to asylum.

Presentation of any of the foregoing documents shall entitle the applicant to a driver's license.

Rep. Brutus moved the adoption of the amendment.

THE SPEAKER IN THE CHAIR

The question recurred on the adoption of **Amendment 2**, which failed of adoption. The vote was:

Session Vote Sequence: 893

Yeas—33

Barreiro	Frankel	Lee	Simmons
Bendross-Mindingall	Gannon	Lerner	Siplin
Betancourt	Garcia	Machek	Smith
Brutus	Henriquez	Meadows	Stansel
Bullard	Holloway	Paul	Wilson
Cantens	Jennings	Peterman	Wishner
Cusack	Joyner	Richardson	
Diaz-Balart	Kendrick	Rubio	
Fields	Kosmas	Ryan	

Nays—75

The Chair	Atwater	Benson	Byrd
Alexander	Baker	Berfield	Carassas
Allen	Ball	Bilirakis	Clarke
Andrews	Baxley	Bowen	Crow
Arza	Bean	Brown	Davis
Attkisson	Bense	Brummer	Detert
Diaz de la Portilla	Haridopolos	Lynn	Ritter
Evers	Harper	Mack	Romeo
Farkas	Harrell	Mahon	Ross
Fasano	Harrington	Mayfield	Russell
Fiorentino	Hart	Maygarden	Seiler
Flanagan	Heyman	Mealor	Sorensen
Gardiner	Hogan	Melvin	Spratt
Gelber	Johnson	Murman	Trovillion
Gibson	Kallinger	Needelman	Wallace
Goodlette	Kilmer	Negron	Waters
Gottlieb	Kottkamp	Pickens	Weissman
Green	Kyle	Prieguez	Wiles
Greenstein	Littlefield	Rich	

Votes after roll call:
Yeas—Bucher
Nays—Argenziano, Ausley, Jordan, Kravitz, Slosberg
Nays to Yeas—Arza, Harper, Prieguez

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

HB 1427—A bill to be entitled An act relating to sheriffs; amending s. 30.09, F.S.; providing an exception from bonding requirements for special deputies in the event of certain terrorist acts; amending s. 30.49, F.S.; revising provisions relating to submission of budgets by sheriffs; providing for per diem and travel expenses; providing an effective date.

—was read the second time by title.

The Committee on Security, Select offered the following:

(Amendment Bar Code: 381419)

Amendment 1 (with title amendment)—On page 3, lines 16-30
remove: all of said lines

and insert:

(c) The sheriff shall submit to the board of county commissioners for consideration and inclusion in the county budget, as deemed appropriate by the county, requests for construction, repair, or capital improvement of county buildings operated or occupied by the sheriff.

And the title is amended as follows:

On page 1, lines 7-8
remove: all of said lines

and insert: submission of budgets by sheriffs; providing an

Rep. Kendrick moved the adoption of the amendment, which was adopted.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

III. Council for Smarter Government

HB 487 was taken up. Rep. Seiler moved to substitute SB 528 for HB 487. Further consideration of HB 487 was temporarily postponed under Rule 11.10.

CS/HB 1155 was taken up. On motion by Rep. Needelman, the rules were waived and CS for SB 2014 was substituted for CS/HB 1155. Under Rule 5.15, the House bill was laid on the table and—

CS for SB 2014—A bill to be entitled An act relating to the additional homestead exemption for persons 65 and older; amending s. 196.075, F.S., which allows counties and municipalities to grant such exemption; providing requirements with respect to the taxpayer's statement of household income and supporting documents; revising the submission date for such documents; authorizing random audits of such statements; providing requirements with respect to release of tax information to the property appraiser; providing penalties and providing for a lien for improperly taking such an exemption; providing for notice and procedures relating to such a lien; providing an effective date.

—was read the second time by title.

Representative(s) Littlefield offered the following:

(Amendment Bar Code: 593447)

Amendment 1 (with title amendment)—On page 1, between lines 19 and 20, of the bill

insert:

Section 1. Section 196.061, Florida Statutes, is amended to read:

196.061 Rental of homestead to constitute abandonment.—The rental of an entire dwelling previously claimed to be a homestead for tax purposes shall constitute the abandonment of said dwelling as a homestead, and said abandonment shall continue until such dwelling is physically occupied by the owner thereof. However, such abandonment of such homestead after January 1 of any year shall not affect the homestead exemption for tax purposes for that particular year so long as this provision is not used for 2 consecutive years. The provisions of this section shall not apply to a member of the Armed Forces of the United States whose service in such forces is the result of a mandatory obligation imposed by the federal Selective Service Act or who volunteers for service as a member of the Armed Forces of the United States *and any presidential or gubernatorial appointee appointed in the latest or most current administration*.

And the title is amended as follows:

On page 1, lines 2 and 3,
remove: all of said lines

and insert: An act relating to homestead exemptions; amending s. 196.061, F.S.; providing an additional exemption for rental of homestead; amending s.

Rep. Littlefield moved the adoption of the amendment, which was adopted.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

HB 1669—A bill to be entitled An act relating to the Uniform Commercial Code; amending ss. 679.1021, 679.1081, 679.210, 679.510, 679.513, 679.516, 676.519, 679.527, and 679.625, F.S.; revising provisions of the Uniform Commercial Code as amended to clarify and conform; amending ss. 679.3011, 679.3171, 679.334, and 679.5011, F.S.; clarifying the application of laws of this state to security interests in goods as fixtures; revising operation of provisions specifying priority of such security interests; providing an effective date.

—was read the second time by title.

The Council for Smarter Government offered the following:

(Amendment Bar Code: 452219)

Amendment 1 (with title amendment)—
Remove everything after the enacting clause

and insert:

Section 1. Paragraph (nn) of subsection (1) of section 679.1021, Florida Statutes, is amended to read:

679.1021 Definitions and index of definitions.—

(1) In this chapter, the term:

(nn) "Fixture filing" means the filing of a financing statement covering goods that are or are to become fixtures and satisfying s. *679.5021* ~~679.502~~(1) and (2). The term includes the filing of a financing statement covering goods of a transmitting utility which are or are to become fixtures.

Section 2. Subsection (5) of section 679.1081, Florida Statutes, is amended to read:

679.1081 Sufficiency of description.—

(5) A description only by type of collateral defined in *this chapter* ~~the Uniform Commercial Code~~ is an insufficient description of:

(a) A commercial tort claim; or

(b) In a consumer transaction, consumer goods, a security entitlement, a securities account, or a commodity account*; or*~~.~~

(c) An account consisting of a right to payment of a monetary obligation for the sale of real property that is the debtor's homestead under the laws of this state.

Section 3. Subsection (2) of section 679.2031, Florida Statutes, is amended and subsection (10) is added to that section to read:

679.2031 Attachment and enforceability of security interest; proceeds; supporting obligations; formal requisites.—

(2) Except as otherwise provided in subsections (3) through *(10)* ~~(9)~~, a security interest is enforceable against the debtor and third parties with respect to the collateral only if:

(a) Value has been given;

(b) The debtor has rights in the collateral or the power to transfer rights in the collateral to a secured party; and

(c) One of the following conditions is met:

1. The debtor has authenticated a security agreement that provides a description of the collateral and, if the security interest covers timber to be cut, a description of the land concerned;

2. The collateral is not a certificated security and is in the possession of the secured party under s. 679.3131 pursuant to the debtor's security agreement;

3. The collateral is a certificated security in registered form and the security certificate has been delivered to the secured party under s. 678.3011 pursuant to the debtor's security agreement; or

4. The collateral is deposit accounts, electronic chattel paper, investment property, or letter-of-credit rights, and the secured party has control under s. 679.1041, s. 679.1051, s. 679.1061, or s. 679.1071 pursuant to the debtor's security agreement.

(10) A security interest in an account consisting of a right to payment of a monetary obligation for the sale of real property that is the debtor's homestead under the laws of this state is not enforceable unless:

(a) The description of the account in the security agreement conspicuously states that the collateral includes the debtor's right to payment of a monetary obligation for the sale of real property;

(b) The description of the account in the security agreement includes a legal description of the real property;

(c) The description of the account in the security agreement conspicuously states that the real property is the debtor's homestead; and

(d) The security agreement is also authenticated by the debtor's spouse, if the debtor is married; if the debtor's spouse is incompetent, then the method of authentication by the debtor's spouse is the same as provided by the laws of this state, other than this chapter, which apply to the alienation or encumbrance of homestead property by an incompetent person.

Section 4. Subsection (6) of section 679.210, Florida Statutes, is amended to read:

679.210 Request for accounting; request regarding list of collateral or statement of account.—

(6) A debtor is entitled under this section without charge to one response to a request for an accounting or a request regarding a statement of account for each secured obligation during any 6-month period. A debtor in a consumer transaction is entitled to a single response to a request regarding a list of collateral~~, for a transaction other than a consumer transaction,~~ without charge during any 6-month period. The secured party may require payment of a charge not exceeding $25 for each additional response to a request for an accounting, a request regarding a statement of account, or a request

regarding a list of collateral for a consumer transaction. To the extent provided in an authenticated record, the secured party may require the payment of reasonable expenses, including attorney's fees, reasonably incurred in providing a response to a request regarding a list of collateral for a transaction other than a consumer transaction under this section; otherwise, the secured party may not charge more than $25 for each request regarding a list of collateral. Excluding a request related to a proposed satisfaction of the secured obligation, a secured party is not required to respond to more than 12 of each of the permitted requests in any 12-month period.

Section 5. Subsection (3) of section 679.3011, Florida Statutes, is amended, and subsection (5) is added to said section, to read:

679.3011 Law governing perfection and priority of security interests.—Except as otherwise provided in ss. 679.1091, 679.3031, 679.3041, 679.3051, and 679.3061, the following rules determine the law governing perfection, the effect of perfection or nonperfection, and the priority of a security interest in collateral:

(3) Except as otherwise provided in *subsections* ~~subsection~~ (4) *and (5)*, while negotiable documents, goods, instruments, money, or tangible chattel paper is located in a jurisdiction, the local law of that jurisdiction governs:

(a) Perfection of a security interest in the goods by filing a fixture filing;

(b) Perfection of a security interest in timber to be cut; and

(c) The effect of perfection or nonperfection and the priority of a nonpossessory security interest in the collateral.

(5) The law of this state governs:

(a) The perfection of a security interest in goods that are or are to become fixtures in this state by the filing of a fixture filing.

(b) The effect of perfection or nonperfection and the priority of a security interest in goods that are or are to become fixtures in this state.

Section 6. Subsections (6) and (7) are added to section 679.3171, Florida Statutes, to read:

679.3171 Interests that take priority over or take free of security interest or agricultural lien.—

(6) An encumbrancer or owner, other than the debtor or a lien creditor, who acquires an interest in the related real property takes free of a security interest in goods that are or become fixtures in this state, which interest is perfected only with a financing statement that is not filed as a fixture filing, even if the encumbrancer or owner knows of the existence of such statement. For purposes of s. 695.01, the filing of a financing statement covering goods that are or become fixtures in this state, which statement is not filed as a fixture filing, shall not constitute constructive notice of such security interest to any person, other than a lien creditor, who acquires an interest in the related real property.

(7) The holder of a mortgage or other lien against real property arising under the laws of this state, other than this chapter, has priority with respect to the rents, issues, profits, and proceeds of the real property, including proceeds from the sale thereof, over a security interest in an account consisting of a right to payment of a monetary obligation for the sale of the real property.

Section 7. Subsection (4) of section 679.334, Florida Statutes, is amended to read:

679.334 Priority of security interests in fixtures and crops.—

(4) A security interest in goods which are or become fixtures *perfected with a financing statement that is filed as a fixture filing* takes priority as to the goods over the *conflicting interest* ~~claims~~ of *an encumbrancer or owner of the related* ~~all persons acquiring an interest in the~~ real property *arising* subsequent to the perfection of such security interest or the affixing of the goods to the real property, whichever occurs later. *A security interest in goods which are or become fixtures perfected only with a financing statement that is not filed as a fixture filing is subject to the rights of an encumbrancer or owner of the related real property under s. 679.3171(6) and to the rights of a lien creditor under s. 679.3171(1)(b), but takes priority as to the goods over the rights of a lien creditor who does not meet the requirements of s. 679.3171(1)(b).*

Section 8. Section 679.5011, Florida Statutes, is amended to read:

679.5011 Filing office.—

(1) Except as otherwise provided in subsection (2), the office in which to file a financing statement to perfect a security interest or agricultural lien is:

(a) The office of the clerk of the circuit court, if:

1. The collateral is as-extracted collateral or timber to be cut; or

2. The collateral is goods that are or are to become fixtures *and* ~~in this state, in which event~~ the financing statement *is* ~~shall be~~ filed as a fixture filing.

(b) The Florida Secured Transaction Registry, in accordance with ss. 679.3011-679.3071, ~~and~~ in all other cases*, including cases in which the collateral is goods that are or are to become fixtures and the financing statement is not filed as a fixture filing*.

(2) The office in which to file a financing statement to perfect a security interest in collateral, including fixtures, of a transmitting utility is the Office of the Secretary of State, or the filing office authorized by s. *679.527* ~~697.527~~ to accept filings for the Florida Secured Transaction Registry. The financing statement also constitutes a fixture filing as to the collateral indicated in the financing statement which is or is to become fixtures.

Section 9. Section 679.510, Florida Statutes, is amended to read:

679.510 Effectiveness of filed record.—

(1) ~~Subject to subsection (3),~~ A filed record is effective only to the extent that it was filed by a person who may file it under s. 679.509.

(2) A record authorized by one secured party of record does not affect the financing statement with respect to another secured party of record.

~~(3) If a person may file a termination statement only under s. 679.509(3)(b), the filed termination statement is effective only if the debtor authorizes the filing and the termination statement indicates that the debtor authorized it to be filed.~~

(3)~~(4)~~ A continuation statement that is not filed within the 6-month period prescribed by s. 679.515(4) is ineffective.

Section 10. Subsection (4) of section 679.513, Florida Statutes, is amended to read:

679.513 Termination statement.—

(4) ~~Except as otherwise provided in s. 679.510,~~ Upon the filing of a termination statement with the filing office, the financing statement to which the termination statement relates ceases to be effective. ~~Except as otherwise provided in s. 679.510,~~ For purposes of ss. 679.519(7) and 679.522(1), the filing with the filing office of a termination statement relating to a financing statement that indicates that the debtor is a transmitting utility also causes the effectiveness of the financing statement to lapse.

Section 11. Subsection (1) and paragraphs (d), (e), (g), (h), and (i) of subsection (2) of section 679.516, Florida Statutes, are amended to read:

679.516 What constitutes filing; effectiveness of filing.—

(1) Except as otherwise provided in subsection (2), communication of a record to a filing office *and*~~,~~ tender of the processing fee~~,~~ or acceptance of the record by the filing office constitutes filing.

(2) Filing does not occur with respect to a record that a filing office refuses to accept because:

(d) The filing office is unable to index the record because:

1. In the case of an initial financing statement, the record does not provide an organization's name or, if an individual, the individual's last name and first name ~~or initial~~;

2. In the case of an amendment or correction statement, the record:

a. Does not correctly identify the initial financing statement as required by s. 679.512 or s. 679.518, as applicable; or

b. Identifies an initial financing statement the effectiveness of which has lapsed under s. 679.515;

3. In the case of an initial financing statement that provides the name of a debtor identified as an individual or an amendment that provides a name of a debtor identified as an individual which was not previously provided in the financing statement to which the record relates, the record does not identify the debtor's last name and first name ~~or initial~~; or

4. In the case of a record filed or recorded in the filing office described in s. 679.5011(1)(a), the record does not provide a sufficient description of the real property to which it relates;

(e) In the case of an initial financing statement or an amendment that adds a secured party of record, the record does not provide an organization's name or, if an individual, the individual's last name and first name ~~or initial~~ and mailing address for the secured party of record;

(g) In the case of an assignment reflected in an initial financing statement under s. 679.514(1) or an amendment filed under s. 679.514(2), the record does not provide an organization's name or, if an individual, the individual's last name and first name ~~or initial~~ and mailing address for the assignee;

(h) In the case of a continuation statement, the record is not filed within the 6-month period prescribed by s. 679.515(4); *or*

(i) In the case of an initial financing statement or an amendment, which amendment requires the inclusion of a collateral statement but the record does not provide any, the record does not provide a statement of collateral.~~; or~~

Section 12. Subsection (1) of section 679.519, Florida Statutes, is amended to read:

679.519 Numbering, maintaining, and indexing records; communicating information provided in records.—

(1) For each record filed in a filing office, the filing office shall~~, in accordance with such other laws applicable to the recording of instruments by a filing office described in s. 679.5011(1)(a)~~:

(a) Assign a unique number to the filed record;

(b) Create a record that bears the number assigned to the filed record and the date and time of filing;

(c) Maintain the filed record for public inspection; and

(d) Index the filed record in accordance with subsections (3), (4), and (5).

Section 13. Subsections (2) and (4) of section 679.527, Florida Statutes, are amended to read:

679.527 Florida Secured Transaction Registry.—

(2) Under chapter 287, the department has the authority to determine and select the most qualified respondents to the request for qualifications and to negotiate and enter into one or more contracts as provided in this section. The contract may not be assignable or otherwise transferable without the express written consent of the department*, notwithstanding any limitations imposed by s. 679.4061 or s. 679.4081*.

(4) Notwithstanding the terms and conditions of any contract to perform the administrative and operational functions of the filing office or filing officer under this part for the Florida Secured Transaction Registry, the department and the state shall retain sole and exclusive ownership of the materials and records of the registry, shall have the right to inspect and make copies of the materials and records of the registry, and shall have the right to immediately reclaim and take possession and control of the original materials and records of the registry if any entity under contract with the department to administer and operate the registry does not, or cannot, perform the terms and conditions of the contract for any reason or commences or *is adjudicated a debtor in* ~~consents to~~ an insolvency proceeding. If the department reclaims control of the materials and records of the registry, the department shall provide for the uninterrupted fulfillment of the duties of the filing office and filing officer under this chapter by administration and operation by the department until a subsequent contract for such duties can be executed. The department shall be entitled to injunctive relief if the entity fails to turn over the materials and records upon demand, and the Circuit Court for Leon County, Florida, shall have exclusive original jurisdiction to adjudicate any disputes pertaining to this section or any contract entered into under this section.

Section 14. Paragraph (f) of subsection (5) of section 679.625, Florida Statutes, is amended to read:

679.625 Remedies for failure to comply with article.—

(5) In lieu of damages recoverable under subsection (2), the debtor, consumer obligor, or person named as a debtor in a filed record, as applicable, may recover $500 in each case from a person who:

(f) Fails to comply with s. 679.616(2)(b) ~~with respect to a consumer transaction, and with respect to a transaction other than a consumer transaction, after receipt of an authenticated record notifying the person of such noncompliance~~.

Section 15. This act shall take effect upon becoming a law.

And the title is amended as follows:

On page 1, lines 1-13
remove: the entire title

and insert: A bill to be entitled An act relating to the Uniform Commercial Code; amending ss. 679.1021, 679.1081, 679.2031, 679.210, 679.510, 679.513, 679.516, 676.519, 679.527, and 679.625, F.S.; revising provisions of the Uniform Commercial Code as amended to clarify and conform; amending ss. 679.3011, 679.3171, 679.334, and 679.5011, F.S.; clarifying the application of laws of this state to security interests in goods as fixtures; revising operation of provisions specifying priority of such security interests; providing an effective date.

Rep. Crow moved the adoption of the amendment.

Representative(s) Crow offered the following:

(Amendment Bar Code: 552289)

Amendment 1 to Amendment 1 (with title amendment)—On page 7, between lines 24-25, of the amendment

insert:

Section 9. Subsection (2) of section 679.5041, Florida Statutes, is amended to read:

679.5041 Indication of collateral.—A financing statement sufficiently indicates the collateral that it covers if the financing statement provides:

(1) A description of the collateral pursuant to s. 679.1081; or

(2) ~~If the security agreement grants a security interest in all of the debtor's personal property and such property is reasonably identified in the security agreement, as permitted by s. 679.1081,~~ An indication that the financing statement covers all assets or all personal property.

And the title is amended as follows:

On page 12, line 31, of the amendment
remove: and 679.5011

and insert: 679.5011, and 679.5041,

Rep. Crow moved the adoption of the amendment to the amendment, which was adopted.

Representative(s) Crow offered the following:

(Amendment Bar Code: 940619)

Amendment 2 to Amendment 1—On page 8, line 23, through page 10, line 12,
remove: all of said lines

and insert:

Section 11. Subsections (1) and (2) of section 679.516, Florida Statutes, are amended to read:

679.516 What constitutes filing; effectiveness of filing.—

(1) Except as otherwise provided in subsection (2), communication of a record to a filing office *and*~~,~~ tender of the processing fee~~,~~ or acceptance of the record by the filing office constitutes filing.

(2) Filing does not occur with respect to a record that a filing office refuses to accept because:

(a) The record is not communicated by a method or medium of communication authorized by the filing office;

(b) An amount equal to or greater than the applicable processing fee is not tendered;

~~(c) The record does not include the notation required by s. 201.22 indicating that the excise tax required by chapter 201 had been paid or is not required;~~

(c)~~(d)~~ The filing office is unable to index the record because:

1. In the case of an initial financing statement, the record does not provide an organization's name or, if an individual, the individual's last name and first name ~~or initial~~;

2. In the case of an amendment or correction statement, the record:

a. Does not correctly identify the initial financing statement as required by s. 679.512 or s. 679.518, as applicable; or

b. Identifies an initial financing statement the effectiveness of which has lapsed under s. 679.515;

3. In the case of an initial financing statement that provides the name of a debtor identified as an individual or an amendment that provides a name of a debtor identified as an individual which was not previously provided in the financing statement to which the record relates, the record does not identify the debtor's last name and first name ~~or initial~~; or

4. In the case of a record filed or recorded in the filing office described in s. 679.5011(1)(a), the record does not provide a sufficient description of the real property to which it relates;

(d)~~(e)~~ In the case of an initial financing statement or an amendment that adds a secured party of record, the record does not provide an organization's name or, if an individual, the individual's last name and first name ~~or initial~~ and mailing address for the secured party of record;

(e)~~(f)~~ In the case of an initial financing statement or an amendment that provides a name of a debtor which was not previously provided in the financing statement to which the amendment relates, the record does not:

1. Provide a mailing address for the debtor;

2. Indicate whether the debtor is an individual or an organization; or

3. If the financing statement indicates that the debtor is an organization, provide:

a. A type of organization for the debtor;

b. A jurisdiction of organization for the debtor; or

c. An organizational identification number for the debtor or indicate that the debtor has none;

(f)~~(g)~~ In the case of an assignment reflected in an initial financing statement under s. 679.514(1) or an amendment filed under s. 679.514(2), the record does not provide an organization's name or, if an individual, the individual's last name and first name ~~or initial~~ and mailing address for the assignee;

(g)~~(h)~~ In the case of a continuation statement, the record is not filed within the 6-month period prescribed by s. 679.515(4);

(h)~~(i)~~ In the case of an initial financing statement or an amendment, which amendment requires the inclusion of a collateral statement but the record does not provide any, the record does not provide a statement of collateral; or

(i) The record does not include the notation required by s. 201.22 indicating that the excise tax required by chapter 201 had been paid or is not required.

Rep. Crow moved the adoption of the amendment to the amendment, which was adopted.

The question recurred on the adoption of **Amendment 1**, as amended, which was adopted.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

HB 1949—A bill to be entitled An act relating to the lottery; amending ss. 24.105 and 24.111, F.S.; deleting provisions for the sale of lottery tickets through player-activated vending machines; repealing s. 24.1055, F.S., relating to sale of lottery tickets to minors and posting of signs; providing an effective date.

—was read the second time by title.

Representative(s) Greenstein offered the following:

(Amendment Bar Code: 651011)

Amendment 1 (with title amendment)—
Remove everything after the enacting clause

and insert:

Section 1. *Any vending machine operated by the Department of the Lottery must comply with all Florida Statutes regulating the operation of cigarette vending machines.*

Section 2. 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 the lottery; requiring lottery vending machines to comply with laws regulating the operation of cigarette vending machines; providing an effective date.

Rep. Greenstein moved the adoption of the amendment.

Motion

Rep. Kyle moved the previous question on the amendment, which was agreed to.

The question recurred on the adoption of **Amendment 1**, which failed of adoption.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

HB 1927—A bill to be entitled An act relating to the judiciary; amending s. 35.06, F.S.; increasing the number of judges in specified district courts of appeal; providing an effective date.

—was read the second time by title.

On motion by Rep. Crow, under Rule 12.2(c), the following late-filed amendment was considered.

Representative(s) Crow offered the following:

(Amendment Bar Code: 820553)

Amendment 1 (with title amendment)—
Remove everything after the enacting clause

and insert:

Section 1. Section 26.031, Florida Statutes, is amended to read:

26.031 Judicial circuits; number of judges.—The number of circuit judges in each circuit shall be as follows:

JUDICIAL CIRCUIT	TOTAL
(1) First	21
(2) Second	15
(3) Third	6
(4) Fourth	31
(5) Fifth	*24* ~~23~~
(6) Sixth	*41* ~~40~~
(7) Seventh	*24* ~~23~~
(8) Eighth	11
(9) Ninth	*37* ~~36~~
(10) Tenth	*21* ~~20~~
(11) Eleventh	*73* ~~72~~
(12) Twelfth	18
(13) Thirteenth	36
(14) Fourteenth	9
(15) Fifteenth	*34* ~~33~~
(16) Sixteenth	4
(17) Seventeenth	*52* ~~51~~
(18) Eighteenth	23
(19) Nineteenth	15
(20) Twentieth	*23* ~~22~~

Section 2. *The judges filling new offices created by this act shall be appointed by the Governor and shall take office for a term beginning on March 1, 2003.*

Section 3. This act shall take effect July 1, 2002.

And the title is amended as follows:

On page 1,
remove: entire title

and insert: A bill to be entitled An act relating to the judiciary; amending s. 26.031, F.S.; increasing the number of judges in specified judicial circuits; providing for appointment by the Governor; providing an effective date.

Rep. Crow moved the adoption of the amendment, which was adopted.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

HB 2015—A bill to be entitled An act relating to governmental reorganization; amending ss. 13.05, 14.202, 14.24, 112.215, 114.03, 121.0312, 121.055, 121.4501, 215.44, 215.62, 215.95, and 253.02, F.S.; changing the number and composition of certain boards, committees, commissions, and councils to conform memberships to reflect the reorganization of the constitutional officers of the Cabinet as members of such boards, committees, commissions, and councils; providing an effective date.

—was read the second time by title and, under Rule 10.13(b), referred to the Engrossing Clerk.

CS/HB 409—A bill to be entitled An act relating to investigations by the office of inspector general of the Department of Corrections; amending s. 944.31, F.S.; providing for designation of certain persons as law enforcement officers and authorizing such persons to have certain powers and duties; amending s. 944.35, F.S.; revising provisions relating to use of force by department employees and responsibility and guidelines for investigations thereof; providing an effective date.

—was read the second time by title and, under Rule 10.13(b), referred to the Engrossing Clerk.

CS/HB 731—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; providing an exemption from public records requirements for the restricted-use license number of any person engaged in the aerial application of pesticides, fertilizers, or seed held by the Department of Agriculture and Consumer Services and for any flight plan filed with the department by a person engaged in the aerial application of pesticides, fertilizers, or seed; providing a time limitation on the exemption for such flight plans; providing a statement of public necessity; providing for future review and repeal; providing an effective date.

—was read the second time by title and, under Rule 10.13(b), referred to the Engrossing Clerk.

CS/HB 843 was taken up. On motion by Rep. Mack, the rules were waived and—

CS for CS for SB 694—A bill to be entitled An act relating to condominiums and cooperatives; amending s. 702.09, F.S.; redefining the terms "mortgage" and "foreclosure proceedings"; amending s. 718.104, F.S.; revising provisions relating to declarations for the creation of a condominium; amending s. 718.106, F.S.; revising provisions relating to appurtenances that pass with a condominium unit; amending s. 718.110, F.S.; revising provisions relating to amendments to a declaration of condominium; amending s. 718.111, F.S.; revising provisions relating to the association; amending s. 718.112, F.S.; revising provisions relating to bylaws; amending s. 718.113, F.S.; revising provisions relating to material alterations of common elements or association real property operated by a multicondominium association; amending s. 718.115, F.S.; revising provisions relating to common expenses; amending s. 718.1255, F.S., relating to alternative dispute resolution procedures; providing for the expedited handling of any allegation of an irregularity in the election of any director of the board of administration of a condominium; amending s. 718.405, F.S.; revising provisions relating to multicondominiums and multicondominium associations; amending s. 718.503, F.S.; relating to disclosure requirements for the sale of certain condominiums; removing the requirement that question and answer sheets be part of the closing documents; amending s. 718.504, F.S.; revising provisions relating to the prospectus or offering circular; creating s. 718.701, F.S.; providing definitions; creating s. 718.702, F.S.; providing for master association meetings; requiring certain notices; establishing meeting rules; creating s. 718.703, F.S.; providing powers of the Division of Florida Land Sales, Condominiums, and Mobile Homes over master associations; creating s. 718.704, F.S.; requiring master associations to provide certain financial records or statements; providing an effective date.

—was substituted for CS/HB 843 and read the second time by title. Under Rule 5.15, the House bill was laid on the table.

Representative(s) Mack offered the following:

(Amendment Bar Code: 915851)

Amendment 1 (with title amendment)—On page 17, line 23, through page 21, line 8,
remove: all of said lines

And the title is amended as follows:

On page 2, lines 4-14,
remove: all of said lines

and insert: the prospectus or offering circular; providing an effective

Rep. Mack moved the adoption of the amendment, which was adopted.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

CS/HB 903 was taken up. On motion by Rep. Betancourt, the rules were waived and SB 346 was substituted for CS/HB 903. Under Rule 5.15, the House bill was laid on the table and—

SB 346—A bill to be entitled An act relating to professions; amending s. 455.271, F.S.; providing general authority for the reinstatement of licenses that have become void; amending s. 473.313, F.S.; providing for the reinstatement of certain public accountancy licenses that have become void; amending s. 489.116, F.S.; providing for the reinstatement of certain contracting licenses that have become void; providing an effective date.

—was read the second time by title.

On motion by Rep. Betancourt, under Rule 12.2(c), the following late-filed amendment was considered.

Representative(s) Betancourt offered the following:

(Amendment Bar Code: 092299)

Amendment 1 (with title amendment)—
Remove everything after the enacting clause

and insert:

Section 1. Subsection (6) of section 455.271, Florida Statutes, is amended to read:

455.271 Inactive and delinquent status.—

(6)*(a)* A delinquent status licensee must affirmatively apply with a complete application, as defined by rule of the board, or the department when there is no board, for active or inactive status during the licensure cycle in which a licensee becomes delinquent. Failure by a delinquent status licensee to become active or inactive before the expiration of the current licensure cycle shall render the license *void* ~~null~~ without any further action by the board or the department. Any subsequent licensure shall be as a result of applying for and meeting all requirements imposed on an applicant for new licensure.

(b) Notwithstanding paragraph (a), the board or the department, if there is no board, may, at its discretion, reinstate the license of an individual whose license has become void if the individual has made a good faith effort to comply with this section but has failed to comply because of illness or unusual hardship. The individual must apply to the board or the department, if there is no board, for reinstatement in a manner prescribed by rules of the board or the department, if there is no board, and shall pay an application fee in an amount determined by rule. The board or the department, if there is no board, shall require that such individual meet all continuing education requirements prescribed by law, pay appropriate licensing fees, and otherwise be eligible for renewal of licensure under this chapter.

Section 2. Subsection (4) of section 473.313, Florida Statutes, is amended to read:

473.313 Inactive status.—

(4) ~~Notwithstanding the provisions of s. 455.271,~~ The board may, at its discretion, reinstate the license of an individual whose license has become ~~null and~~ void if the individual has made a good faith effort to comply with this section but has failed to comply because of illness or unusual hardship. The individual *must* ~~shall~~ apply to the board for reinstatement in a manner prescribed by rules of the board and shall pay an application fee in an amount determined by rule of the board. The board shall require that such an individual meet all continuing education requirements as provided in s. 473.312, pay appropriate licensing fees, and otherwise be eligible for renewal of licensure under this chapter.

Section 3. Subsection (2) of section 489.111, Florida Statutes, is amended to read:

489.111 Licensure by examination.—

(2) A person shall be eligible for licensure by examination if the person:

(a) Is 18 years of age;

(b) Is of good moral character; and

(c) Meets eligibility requirements according to one of the following criteria:

1. Has received a baccalaureate degree from an accredited 4-year college in the appropriate field of engineering, architecture, or building construction and has 1 year of proven experience in the category in which the person seeks to qualify. For the purpose of this part, a minimum of 2,000 person-hours shall be used in determining full-time equivalency.

2. Has a total of at least 4 years of active experience as a worker who has learned the trade by serving an apprenticeship as a skilled worker who is able to command the rate of a mechanic in the particular trade or as a foreman who is in charge of a group of workers and usually is responsible to a superintendent or a contractor or his or her equivalent, provided, however, that at least 1 year of active experience shall be as a foreman.

3. Has a combination of not less than 1 year of experience as a foreman and not less than 3 years of credits for any accredited college-level courses; has a combination of not less than 1 year of experience as a skilled worker, 1 year of experience as a foreman, and not less than 2 years of credits for any accredited college-level courses; or has a combination of not less than 2 years of experience as a skilled worker, 1 year of experience as a foreman, and not less than 1 year of credits for any accredited college-level courses. ~~For the number of years of credits for any accredited college-level courses, the applicant shall show completion of an equal number of courses in the appropriate field of engineering, architecture, or building construction.~~ All junior college or community college-level courses shall be considered accredited college-level courses.

4.a. An active certified residential contractor is eligible to take the building contractors' examination if he or she possesses a minimum of 3 years of proven experience in the classification in which he or she is certified.

b. An active certified residential contractor is eligible to take the general contractors' examination if he or she possesses a minimum of 4 years of proven experience in the classification in which he or she is certified.

c. An active certified building contractor is eligible to take the general contractors' examination if he or she possesses a minimum of 4 years of proven experience in the classification in which he or she is certified.

5.a. An active certified air-conditioning Class C contractor is eligible to take the air-conditioning Class B contractors' examination if he or she possesses a minimum of 3 years of proven experience in the classification in which he or she is certified.

b. An active certified air-conditioning Class C contractor is eligible to take the air-conditioning Class A contractors' examination if he or she possesses a minimum of 4 years of proven experience in the classification in which he or she is certified.

c. An active certified air-conditioning Class B contractor is eligible to take the air-conditioning Class A contractors' examination if he or she possesses a minimum of 1 year of proven experience in the classification in which he or she is certified.

6.a. An active certified swimming pool servicing contractor is eligible to take the residential swimming pool contractors' examination if he or she possesses a minimum of 3 years of proven experience in the classification in which he or she is certified.

b. An active certified swimming pool servicing contractor is eligible to take the swimming pool commercial contractors' examination if he or

she possesses a minimum of 4 years of proven experience in the classification in which he or she is certified.

c. An active certified residential swimming pool contractor is eligible to take the commercial swimming pool contractors' examination if he or she possesses a minimum of 1 year of proven experience in the classification in which he or she is certified.

d. An applicant is eligible to take the swimming pool/spa servicing contractor's examination if he or she has satisfactorily completed 60 hours of instruction in courses related to the scope of work covered by that license and approved by the Construction Industry Licensing Board by rule and has at least 1 year of proven experience related to the scope of work of such a contractor.

Section 4. Subsections (6), (7), and (8) of section 489.116, Florida Statutes, are renumbered as subsections (7), (8), and (9), respectively, and a new subsection (6) is added to said section, to read:

489.116 Inactive and delinquent status; renewal and cancellation notices.—

(6) Notwithstanding subsections (4) and (5), the board may, at its discretion, reinstate the license of an individual whose license has become void if the individual has made a good faith effort to comply with this section but has failed to comply because of illness or unusual hardship. The individual must apply to the board for reinstatement in a manner prescribed by rules of the board and shall pay an application fee in an amount determined by rule of the board. The board shall require that such individual meet all continuing education requirements as provided in s. 489.115, pay appropriate licensing fees, and otherwise be eligible for renewal of licensure under this chapter.

Section 5. This act shall take effect July 1, 2002.

And the title is amended as follows:
remove everything before the enacting clause

and insert: A bill to be entitled An act relating to professions; amending s. 455.271, F.S.; providing general authority for the reinstatement of licenses that have become void; amending s. 473.313, F.S., relating to the reinstatement of certain public accountancy licenses that have become void, to conform; amending s. 489.111, F.S.; deleting certain educational course requirements for purposes of qualifying for licensure by examination as a construction contractor; amending s. 489.116, F.S.; providing for the reinstatement of certain contracting licenses that have become void; providing an effective date.

Rep. Betancourt moved the adoption of the amendment, which was adopted.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

CS/HB 1597—A bill to be entitled An act relating to the involuntary civil commitment of sexually violent predators; creating s. 394.9215, F.S.; authorizing a person held in a secure facility under part V of ch. 394, F.S., to file a petition for habeas corpus; providing for a response and evidentiary proceeding; providing for appeal; prohibiting a person from filing a petition for habeas corpus in commitment proceedings; providing that the petitioner does not have a right to appointed counsel; requiring that the court grant relief in the least intrusive manner possible; prohibiting the court from releasing a petitioner unless it finds no other relief will remedy the violation of the petitioner's rights; amending s. 394.923, F.S.; providing that the Department of Legal Affairs and its officers and employees are immune from civil liability for good faith conduct under part V of ch. 394, F.S.; providing an effective date.

—was read the second time by title.

Representative(s) Heyman, Needelman, Kosmas, Benson, Bilirakis offered the following:

(Amendment Bar Code: 020213)

Amendment 1 (with title amendment)—On page 3, between lines 19 & 20,

insert:

Section 3. *The offense of sexual battery under s. 794.011, for which the identity of the alleged perpetrator is determined after the expiration of such applicable time period, and the identity is confirmed through DNA (deoxyribonucleic acid) analysis from a specimen or specimens collected during the investigation of a crime or otherwise made available to a law enforcement agency, when such information was not known to or in the possession of a law enforcement agency for comparison prior to the expiration of the applicable time period, may be used as evidence in a criminal proceeding or for the purpose of identification.*

And the title is amended as follows:

On page 1, lines 2 & 3,
remove: all of said lines

and insert: An act relating to sexually violent offenders; providing that certain evidence may be used in a criminal proceeding or for the purpose of identification;

Rep. Heyman moved the adoption of the amendment, which was adopted.

Representative(s) Heyman, Cantens, Maygarden, Kosmas, Needelman, Attkisson, Lee, Rubio, Kendrick, Fiorentino, Rich, Wishner, Lerner, Ausley, Bilirakis, Russell, Kravitz, Garcia, Johnson, Berfield, Argenziano, Flanagan, Frankel, Ross, Machek, Henriquez, Richardson, Siplin, Trovillion, Detert, Green, Brown, Wallace, Lynn, Murman, Farkas, Wiles, Lacasa, Seiler, Clarke, Stansel, Atwater, Waters, Sorensen, Jennings, Fields, Greenstein, Romeo, Gannon, Bucher, Ryan, Sobel, Bendross-Mindingall, Gibson, Littlefield, Diaz de la Portilla, Arza, Bean, Kallinger, Mealor, Jordan, Allen, Hogan, Benson, Brutus, Meadows, Baker, Betancourt, Weissman, Slosberg, Gelber, Crow, Bennett, Haridopolos, Harrell, Barreiro, Smith, Mayfield, Byrd, Goodlette, Diaz-Balart, Prieguez, Brown, Melvin, Kyle, Mack, Ritter, Mahon, and Gottlieb offered the following:

(Amendment Bar Code: 811537)

Amendment 2 (with title amendment)—On page 3, between lines 19 & 20,

insert:

Section 3. *Anyone charged with sexual battery under chapter 794 of the Florida Statutes or any person charged as a sexual predator pursuant to the Florida Statutes shall be required to submit to an HIV/AIDS test upon request by the victim or if the victim is a minor the victim's family. The test must be administered within two weeks of the request and the results of the test shall be immediately provided to the victim or if the victim is a minor to the victim's family.*

And the title is amended as follows:

On page 1, lines 2 & 3, after the semicolon
all of said lines

and insert: An act relating to sexually violent offenders; providing for the testing of certain persons for HIV/AIDS under certain circumstances; providing for the recording of the results of such a test;

Rep. Heyman moved the adoption of the amendment, which was adopted.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

CS/HB 681 was taken up. On motion by Rep. Davis, the rules were waived and CS for SB 1058 was substituted for CS/HB 681. Under Rule 5.15, the House bill was laid on the table and—

CS for SB 1058—A bill to be entitled An act relating to consolidated governments; amending s. 175.041, F.S.; specifying application to certain consolidated governments; requiring notice of levy; authorizing distribution of tax proceeds; amending s. 175.101, F.S.; including certain consolidated governments under provisions authorizing imposition of a state excise tax on property insurance premiums covering certain property for certain purposes; providing an effective date.

—was read the second time by title and, under Rule 10.13(b), referred to the Engrossing Clerk.

CS/HB 1295 was taken up. On motion by Rep. Waters, the rules were waived and—

SB 1020—A bill to be entitled An act relating to payment-card transactions; providing restrictions on the information that may be printed on receipts for certain payment-card transactions; providing penalties; providing for enforcement; providing an effective date.

—was substituted for CS/HB 1295 and read the second time by title. Under Rule 5.15, the House bill was laid on the table and the Senate bill was referred to the Engrossing Clerk.

CS/HB 539 was taken up. On motion by Rep. Trovillion, SB 274 was substituted for CS/HB 539. Under Rule 5.15, the House bill was laid on the table and—

SB 274—A bill to be entitled An act relating to public records; amending s. 18.20, F.S.; removing photographic film reproductions of specified vouchers or checks paid by the State Treasurer and preserved as records of the office of the Treasurer from classification as permanent records; amending s. 119.01, F.S.; establishing state policy with respect to public records; requiring governmental agencies to consider certain factors in designing or acquiring electronic recordkeeping systems; providing certain restrictions with respect to electronic recordkeeping systems and proprietary software; requiring governmental agencies to provide copies of public records stored in electronic recordkeeping systems; authorizing agencies to charge a fee for such copies; specifying circumstances under which the financial, business, and membership records of an organization are public records; amending s. 119.011, F.S.; providing definitions; repealing ss. 119.0115, 119.012, and 119.02, F.S., relating to specified exemption for certain videotapes and video signals, records made public by the use of public funds, and penalties for violation of public records requirements by a public officer; amending s. 119.021, F.S.; providing requirements for governmental agencies in maintaining and preserving public records; requiring the Division of Library and Information Services of the Department of State to adopt rules for retaining and disposing of public records; authorizing the division to provide for archiving certain noncurrent records; providing for the destruction of certain records and the continued maintenance of certain records; providing for the disposition of records at the end of an official's term of office; requiring that a custodian of public records demand delivery of records held unlawfully; repealing ss. 119.031, 119.041, 119.05, and 119.06, F.S., relating to the retention and disposal of public records and the delivery of records held unlawfully; amending s. 119.07, F.S.; revising provisions governing the inspection and copying of public records; establishing fees for copying; providing requirements for making photographs; authorizing additional means of copying; repealing ss. 119.08 and 119.083, F.S., relating to requirements for making photographs of public records and the licensing and sale of copyrighted data processing software by an agency; amending s. 119.084, F.S.; deleting certain provisions governing the maintenance of public records in an electronic recordkeeping system; repealing ss. 119.085 and 119.09, F.S., relating to remote electronic access to public records and the program for records and information management of the Department of State; amending s. 119.10, F.S.; clarifying provisions with respect to penalties for violations of ch. 119, F.S.; amending s. 119.105, F.S.; clarifying provisions under which certain police reports may be exempt from the public records law; amending s. 120.55, F.S.; revising language with respect to publication of the Florida Administrative Code to provide that the Department of State is required to compile and publish the code through a continuous revision system; amending s. 257.36, F.S.; providing procedure with respect to official custody of records upon transfer of duties or responsibilities between state agencies or dissolution of a state agency; amending s. 328.15, F.S.; revising the classification of records of notices and satisfaction of liens on vessels maintained by the Department of Highway Safety and Motor Vehicles; amending s. 372.5717, F.S.; revising the classification of records of hunter safety certification cards maintained by the Fish and Wildlife Conservation Commission; amending s. 560.121, F.S.; decreasing and qualifying the period of retention for examination reports, investigatory records, applications, application records, and related information compiled by the Department of Banking and Finance under the Money Transmitters' Code; amending s. 560.123, F.S.; decreasing the period of retention for specified reports filed by money transmitters with the Department of Banking and Finance under the Money Transmitters' Code; amending s. 560.129, F.S.; decreasing and qualifying the period of retention for examination reports, investigatory records, applications, application records, and related information compiled by the Department of Banking and Finance under the Money Transmitters' Code; amending s. 624.311, F.S.; authorizing the Department of Insurance to maintain an electronic recordkeeping system for specified records, statements, reports, and documents; eliminating a standard for the reproduction of such records, statements, reports, and documents; amending s. 624.312, F.S.; providing that reproductions from an electronic recordkeeping system of specified documents and records of the Department of Insurance shall be treated as originals for the purpose of their admissibility in evidence; amending s. 633.527, F.S.; decreasing the period of retention for specified examination test questions, answer sheets, and grades in the possession of the Division of State Fire Marshal of the Department of Insurance; amending s. 655.50, F.S.; revising requirements of the Department of Banking and Finance with respect to retention of copies of specified reports and records of exemption submitted or filed by financial institutions under the Florida Control of Money Laundering in Financial Institutions Act; amending s. 945.25, F.S.; requiring the Department of Corrections to obtain and place in its records specified information on every person who may be sentenced to supervision or incarceration under the jurisdiction of the department; eliminating a requirement of the department, in its discretion, to obtain and place in its permanent records specified information on persons placed on probation and on persons who may become subject to pardon and commutation of sentence; amending s. 985.31, F.S.; revising the classification of specified medical files of serious or habitual juvenile offenders; repealing s. 212.095(6)(d), F.S., which requires the Department of Revenue to keep a permanent record of the amounts of refunds claimed and paid under ch. 212, F.S., and which requires that such records shall be open to public inspection; repealing s. 238.03(9), F.S., relating to the authority of the Department of Management Services to photograph and reduce to microfilm as a permanent record its ledger sheets showing the salaries and contributions of members of the Teachers' Retirement System of Florida, the records of deceased members of the system, and the authority to destroy the documents from which such films derive; repealing s. 591.34, F.S.; eliminating a procedure by which permission may be obtained from the Department of Agriculture and Consumer Services to cut seed trees; amending s. 27.151, F.S.; expanding considerations of the Governor in making an executive order confidential; correcting a cross reference; amending s. 399.02, F.S.; eliminating a confidentiality requirement of the Department of Business and Professional Regulation with respect to the names of companies under contract to provide elevator service maintenance; amending s. 655.0321, F.S.; expanding considerations of the Department of Banking and Finance in determining whether specified hearings and proceedings and documents related thereto shall be exempt from public records and meetings requirements; correcting a cross reference; amending ss. 15.09, 23.22, 101.5607, 112.533, 231.291, 257.34, 257.35, 282.21, 287.0943, 320.05, 322.20, 338.223, 378.406, 400.0077, 401.27, 403.111, 409.2577, 455.219, 456.025, 627.311, 627.351, 633.527, 668.50, and 794.024, F.S.; conforming cross references; reenacting s. 947.13(2)(a), F.S., relating to the duty of the Parole Commission to examine specified records, to incorporate the amendment to s. 945.25, F.S., in a reference thereto; designating the Records Management Center of the Department of State as the "James C. 'Jim' Smith Records Center"; providing an effective date.

—was read the second time by title.

Representative(s) Trovillion offered the following:

(Amendment Bar Code: 615819)

Amendment 1 (with title amendment)—
Remove everything after the enacting clause

and insert:

Section 1. Subsection (1) of section 18.20, Florida Statutes, is amended to read:

18.20 Treasurer to make reproductions of certain warrants, records, and documents.—

(1) All vouchers or checks heretofore or hereafter drawn by appropriate court officials of the several counties of the state against money deposited with the Treasurer under the provisions of s. 43.17, and paid by the Treasurer, may be photographed, microphotographed, or reproduced on film by the Treasurer. Such photographic film shall be durable material and the device used to so reproduce such warrants, vouchers, or checks shall be one which accurately reproduces the originals thereof in all detail; and such photographs, microphotographs, or reproductions on film shall be placed in conveniently accessible and identified files and shall be preserved by the Treasurer as a part of the ~~permanent~~ records of office. When any such warrants, vouchers, or checks have been so photographed, microphotographed, or reproduced on film, and the photographs, microphotographs, or reproductions on film thereof have been placed in files as a part of the ~~permanent~~ records of the office of the Treasurer as aforesaid, the Treasurer is authorized to return such warrants, vouchers, or checks to the offices of the respective county officials who drew the same and such warrants, vouchers, or checks shall be retained and preserved in such offices to which returned as a part of the ~~permanent~~ records of such offices.

Section 2. Section 119.01, Florida Statutes, is amended to read:

119.01 General state policy on public records.—

(1) It is the policy of this state that all state, county, and municipal records *are* ~~shall be~~ open for personal inspection by any person *unless the records are exempt from inspection*.

~~(2) The Legislature finds that, given advancements in technology,~~ Providing access to public records *is a duty of each agency.* ~~by remote electronic means is an additional method of access that agencies should strive to provide to the extent feasible. If an agency provides access to public records by remote electronic means, then such access should be provided in the most cost-effective and efficient manner available to the agency providing the information.~~

(2)~~(3)(a)~~ ~~The Legislature finds that providing access to public records is a duty of each agency and that~~ Automation of public records must not erode the right of access to *public* ~~those~~ records. As each agency increases its use of and dependence on electronic recordkeeping, each agency must *provide* ~~ensure~~ reasonable *public* access to records electronically maintained *and must keep information made exempt or confidential from being disclosed to the public*.

(b) An agency must consider when designing or acquiring an electronic recordkeeping system whether such system is capable of providing data in some common format such as, but not limited to, the American Standard Code for Information Interchange.

(c) An agency may not enter into a contract for the creation or maintenance of a public records database if that contract impairs the ability of the public to inspect or copy the public records of the agency, including public records that are on-line or stored in an electronic recordkeeping system used by the agency.

(d) Subject to the restrictions of copyright and trade secret laws and public records exemptions, agency use of proprietary software must not diminish the right of the public to inspect and copy a public record.

(e) Providing access to public records by remote electronic means is an additional method of access that agencies should strive to provide to the extent feasible. If an agency provides access to public records by remote electronic means, such access should be provided in the most cost-effective and efficient manner available to the agency providing the information.

(f) Each agency that maintains a public record in an electronic recordkeeping system shall provide to any person, pursuant to this chapter, a copy of any public record in that system which is not exempted by law from public disclosure. An agency must provide a copy of the record in the medium requested if the agency maintains the record in that medium, and the agency may charge a fee in accordance with this chapter. For the purpose of satisfying a public records request, the fee to be charged by an agency if it elects to provide a copy of a public record in a medium not routinely used by the agency, or if it elects to compile information not routinely developed or maintained by the agency or that requires a substantial amount of manipulation or programming, must be in accordance with s. 119.07(4).

(3) If public funds are expended by an agency defined in s. 119.011(2) in payment of dues or membership contributions for any person, corporation, foundation, trust, association, group, or other organization, all the financial, business, and membership records of that person, corporation, foundation, trust, association, group, or other organization which pertain to the public agency are public records and subject to the provisions of s. 119.07.

~~(4) Each agency shall establish a program for the disposal of records that do not have sufficient legal, fiscal, administrative, or archival value in accordance with retention schedules established by the records and information management program of the Division of Library and Information Services of the Department of State.~~

Section 3. Section 119.011, Florida Statutes, is amended to read:

119.011 Definitions.—*As used in* ~~For the purpose of~~ this chapter*, the term*:

(1) *"Actual cost of duplication" means the cost of the material and supplies used to duplicate the public record, but it does not include the labor cost or overhead cost associated with such duplication.* ~~"Public records" means all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.~~

(2) "Agency" means any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.

(3)(a) "Criminal intelligence information" means information with respect to an identifiable person or group of persons collected by a criminal justice agency in an effort to anticipate, prevent, or monitor possible criminal activity.

(b) "Criminal investigative information" means information with respect to an identifiable person or group of persons compiled by a criminal justice agency in the course of conducting a criminal investigation of a specific act or omission, including, but not limited to, information derived from laboratory tests, reports of investigators or informants, or any type of surveillance.

(c) "Criminal intelligence information" and "criminal investigative information" shall not include:

1. The time, date, location, and nature of a reported crime.

2. The name, sex, age, and address of a person arrested or of the victim of a crime except as provided in s. 119.07*(6)*~~(3)~~(f).

3. The time, date, and location of the incident and of the arrest.

4. The crime charged.

5. Documents given or required by law or agency rule to be given to the person arrested, except as provided in s. 119.07*(6)*~~(3)~~(f), and, except that the court in a criminal case may order that certain information required by law or agency rule to be given to the person arrested be maintained in a confidential manner and exempt from the provisions of s. 119.07(1) until released at trial if it is found that the release of such information would:

a. Be defamatory to the good name of a victim or witness or would jeopardize the safety of such victim or witness; and

b. Impair the ability of a state attorney to locate or prosecute a codefendant.

6. Informations and indictments except as provided in s. 905.26.

(d) The word "active" shall have the following meaning:

1. Criminal intelligence information shall be considered "active" as long as it is related to intelligence gathering conducted with a reasonable, good faith belief that it will lead to detection of ongoing or reasonably anticipated criminal activities.

2. Criminal investigative information shall be considered "active" as long as it is related to an ongoing investigation which is continuing with a reasonable, good faith anticipation of securing an arrest or prosecution in the foreseeable future.

In addition, criminal intelligence and criminal investigative information shall be considered "active" while such information is directly related to pending prosecutions or appeals. The word "active" shall not apply to information in cases which are barred from prosecution under the provisions of s. 775.15 or other statute of limitation.

(4) "Criminal justice agency" means*:*

(a) Any law enforcement agency, court, or prosecutor*;* ~~. The term also includes~~

(b) Any other agency charged by law with criminal law enforcement duties*;* ~~, or~~

(c) Any agency having custody of criminal intelligence information or criminal investigative information for the purpose of assisting such law enforcement agencies in the conduct of active criminal investigation or prosecution or for the purpose of litigating civil actions under the Racketeer Influenced and Corrupt Organization Act, during the time that such agencies are in possession of criminal intelligence information or criminal investigative information pursuant to their criminal law enforcement duties*; or*~~. The term also includes~~

(d) The Department of Corrections.

(5) "Custodian of public records" means the elected or appointed state, county, or municipal officer charged with the responsibility of maintaining the office having public records, or his or her designee.

(6) "Data processing software" means the programs and routines used to employ and control the capabilities of data processing hardware, including, but not limited to, operating systems, compilers, assemblers, utilities, library routines, maintenance routines, applications, and computer networking programs.

(7) "Duplicated copies" means new copies produced by duplicating, as defined in s. 283.30.

(8) "Exemption" means a provision of general law which provides that a specified record or meeting, or portion thereof, is not subject to the access requirements of s. 119.07(1), s. 286.011, or s. 24, Art. I of the State Constitution.

(9) "Information technology resources" has the meaning ascribed in s. 282.0041(7).

(10) "Proprietary software" means data processing software that is protected by copyright or trade secret laws.

(11) "Public records" means all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.

(12) "Sensitive," for purposes of defining agency-produced software that is sensitive, means only those portions of data processing software, including the specifications and documentation, which are used to:

(a) Collect, process, store, and retrieve information that is exempt from s. 119.07(1);

(b) Collect, process, store, and retrieve financial management information of the agency, such as payroll and accounting records; or

(c) Control and direct access authorizations and security measures for automated systems.

Section 4. *Sections 119.0115, 119.012, and 119.02, Florida Statutes, are repealed.*

Section 5. Section 119.021, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 119.021, F.S., for present text.)

119.021 Custodial requirements; maintenance, preservation, and retention of public records.—

(1) Public records shall be maintained and preserved as follows:

(a) All public records should be kept in the buildings in which they are ordinarily used.

(b) Insofar as practicable, a custodian of public records of vital, permanent, or archival records shall keep them in fireproof and waterproof safes, vaults, or rooms fitted with noncombustible materials and in such arrangement as to be easily accessible for convenient use.

(c)1. Record books should be copied or repaired, renovated, or rebound if worn, mutilated, damaged, or difficult to read.

2. Whenever any state, county, or municipal records are in need of repair, restoration, or rebinding, the head of the concerned state agency, department, board, or commission; the board of county commissioners of such county; or the governing body of such municipality may authorize that such records be removed from the building or office in which such records are ordinarily kept for the length of time required to repair, restore, or rebind them.

3. Any public official who causes a record book to be copied shall attest and certify under oath that the copy is an accurate copy of the original book. The copy shall then have the force and effect of the original.

(2)(a) The Division of Library and Information Services of the Department of State shall adopt rules to establish retention schedules and a disposal process for public records.

(b) Each agency shall comply with the rules establishing retention schedules and disposal processes for public records which are adopted by the records and information management program of the division.

(c) Every public official shall systematically dispose of records no longer needed, subject to the consent of the records and information management program of the division in accordance with s. 257.36.

(d) The division may ascertain the condition of public records and shall give advice and assistance to public officials to solve problems related to the preservation, creation, filing, and public accessibility of public records in their custody. Public officials shall assist the division by preparing an inclusive inventory of categories of public records in their custody. The division shall establish a time period for the retention or disposal of each series of records. Upon the completion of the inventory and schedule, the division shall, subject to the availability of necessary space, staff, and other facilities for such purposes, make space available in its records center for the filing of semicurrent records so scheduled and in its archives for noncurrent records of permanent value, and shall render such other assistance as needed, including the microfilming of records so scheduled.

(3) Agency orders that comprise final agency action and that must be indexed or listed pursuant to s. 120.53 have continuing legal significance; therefore, notwithstanding any other provision of this chapter or any provision of chapter 257, each agency shall permanently maintain records of such orders pursuant to the applicable rules of the Department of State.

(4)(a) Whoever has custody of any public records shall deliver, at the expiration of his or her term of office, to his or her successor or, if there be none, to the records and information management program of the

Division of Library and Information Services of the Department of State, all public records kept or received by him or her in the transaction of official business.

(b) Whoever is entitled to custody of public records shall demand them from any person having illegal possession of them, who must forthwith deliver the same to him or her. Any person unlawfully possessing public records must within 10 days deliver such records to the lawful custodian of public records unless just cause exists for failing to deliver such records.

Section 6. *Sections 119.031, 119.041, 119.05, and 119.06, Florida Statutes, are repealed.*

Section 7. Section 119.07, Florida Statutes, as amended by chapter 2001-364, Laws of Florida, is amended to read:

119.07 Inspection~~, examination,~~ and *copying* ~~duplication~~ of records; *fees;* exemptions.—

(1)(a) Every person who has custody of a public record shall permit the record to be inspected and *copied* ~~examined~~ by any person desiring to do so, at any reasonable time, under reasonable conditions, and under supervision by the custodian of ~~the~~ public *records* ~~record or the custodian's designee~~.

(b) A person who has custody of a public record who asserts that an exemption applies to a part of such record shall delete or excise from a copy of that record that portion of the record to which an exemption has been asserted and validly applies, and such person shall produce the remainder of such record for inspection and copying.

(c) If the person who has custody of a public record contends that the record or part of it is exempt from inspection and copying, he or she shall state the basis of the exemption that he or she contends is applicable to the record, including the statutory citation to an exemption created or afforded by statute.

(d) If requested by the person seeking to inspect or copy the record, the custodian of public records shall state in writing and with particularity the reasons for the conclusion that the record is exempt.

(e) In any civil action in which an exemption to this section is asserted, if the exemption is alleged to exist under or by virtue of paragraph (6)(c), paragraph (6)(d), paragraph (6)(e), paragraph (6)(k), paragraph (6)(l), or paragraph (6)(o), the public record or part thereof in question shall be submitted to the court for an inspection in camera. If an exemption is alleged to exist under or by virtue of paragraph (6)(b), an inspection in camera will be discretionary with the court. If the court finds that the asserted exemption is not applicable, it shall order the public record or part thereof in question to be immediately produced for inspection or copying as requested by the person seeking such access.

(f) Even if an assertion is made by the custodian of public records that a requested record is not a public record subject to public inspection or copying under this subsection, the requested record shall, nevertheless, not be disposed of for a period of 30 days after the date on which a written request to inspect or copy the record was served on or otherwise made to the custodian of public records by the person seeking access to the record. If a civil action is instituted within the 30-day period to enforce the provisions of this section with respect to the requested record, the custodian of public records may not dispose of the record except by order of a court of competent jurisdiction after notice to all affected parties.

(g) The absence of a civil action instituted for the purpose stated in paragraph (e) does not relieve the custodian of public records of the duty to maintain the record as a public record if the record is in fact a public record subject to public inspection and copying under this subsection and does not otherwise excuse or exonerate the custodian of public records from any unauthorized or unlawful disposition of such record.

(2)(a) Any person shall have the right of access to public records for the purpose of making photographs of the record while in the possession, custody, and control of the custodian of public records.

(b) This subsection applies to the making of photographs in the conventional sense by use of a camera device to capture images of public records but excludes the duplication of microfilm in the possession of the clerk of the circuit court where a copy of the microfilm may be made available by the clerk.

(c) Photographing public records shall be done under the supervision of the custodian of public records, who may adopt and enforce reasonable rules governing the work.

(d) Photographing of public records shall be done in the room where the public records are kept. If, in the judgment of the custodian of public records, this is impossible or impracticable, the work shall be done in another room or place, as nearly adjacent as possible to the room where the public records are kept, to be determined by the custodian of public records. Where provision of another room or place for photographing is required, the expense of providing the same shall be paid by the person desiring to photograph the public record pursuant to paragraph (4)(e).

(3)(a) As an additional means of inspecting or copying public records, a custodian of public records may provide access to public records by remote electronic means, provided confidential or exempt information is not disclosed.

(b) The custodian of public records shall provide safeguards to protect the contents of public records from unauthorized remote electronic access or alteration and to prevent the disclosure or modification of those portions of public records which are exempt from subsection (1) or s. 24, Art. I of the State Constitution.

(c) Unless otherwise required by law, the custodian of public records may charge a fee for remote electronic access, granted under a contractual arrangement with a user, which fee may include the direct and indirect costs of providing such access. Fees for remote electronic access provided to the general public shall be in accordance with the provisions of this section.

(4) The custodian *of public records* shall furnish a copy or a certified copy of the record upon payment of the fee prescribed by law. ~~or,~~ If a fee is not prescribed by law, *the following fees are authorized:*

(a)1. Up to 15 cents per one-sided copy for duplicated copies of not more than 14 inches by 8 1/2 inches*;*

2. An agency may charge no more than an additional 5 cents for each two-sided copy;~~, upon payment of not more than 15 cents per one-sided copy,~~ and

3. For all other copies, ~~upon payment of~~ the actual cost of duplication of the *public* record. ~~An agency may charge no more than an additional 5 cents for each two-sided duplicated copy. For purposes of this section, duplicated copies shall mean new copies produced by duplicating, as defined in s. 283.30. The phrase "actual cost of duplication" means the cost of the material and supplies used to duplicate the record, but it does not include the labor cost or overhead cost associated with such duplication. However,~~

(b) The charge for copies of county maps or aerial photographs supplied by county constitutional officers may also include a reasonable charge for the labor and overhead associated with their duplication. ~~Unless otherwise provided by law, the fees to be charged for duplication of public records shall be collected, deposited, and accounted for in the manner prescribed for other operating funds of the agency.~~

(c) An agency may charge up to $1 per copy for a certified copy of a public record.

(d)~~(b)~~ If the nature or volume of public records requested to be inspected~~, examined,~~ or copied pursuant to this subsection is such as to require extensive use of information technology resources or extensive clerical or supervisory assistance by personnel of the agency involved, or both, the agency may charge, in addition to the actual cost of duplication, a special service charge, which shall be reasonable and shall be based on the cost incurred for such extensive use of information technology resources or the labor cost of the personnel providing the service that is actually incurred by the agency or attributable to the agency for the clerical and supervisory assistance required, or both.

(e)1. Where provision of another room or place is necessary to photograph public records, the expense of providing the same shall be paid by the person desiring to photograph the public records.

2. The custodian of public records may charge the person making the photographs for supervision services at a rate of compensation to be agreed upon by the person desiring to make the photographs and the custodian of public records. If they fail to agree as to the appropriate charge, then the charge is to be determined by the custodian of public records. ~~"Information technology resources" means data processing hardware and software and services, communications, supplies, personnel, facility resources, maintenance, and training.~~

(5)~~(c)~~ When ballots are produced under this section for inspection or examination, no persons other than the supervisor of elections or the supervisor's employees shall touch the ballots. The supervisor of elections shall make a reasonable effort to notify all candidates by telephone or otherwise of the time and place of the inspection or examination. All such candidates, or their representatives, shall be allowed to be present during the inspection or examination.

~~(2)(a) A person who has custody of a public record and who asserts that an exemption provided in subsection (3) or in a general or special law applies to a particular public record or part of such record shall delete or excise from the record only that portion of the record with respect to which an exemption has been asserted and validly applies, and such person shall produce the remainder of such record for inspection and examination. If the person who has custody of a public record contends that the record or part of it is exempt from inspection and examination, he or she shall state the basis of the exemption which he or she contends is applicable to the record, including the statutory citation to an exemption created or afforded by statute, and, if requested by the person seeking the right under this subsection to inspect, examine, or copy the record, he or she shall state in writing and with particularity the reasons for the conclusion that the record is exempt.~~

~~(b) In any civil action in which an exemption to subsection (1) is asserted, if the exemption is alleged to exist under or by virtue of paragraph (c), paragraph (d), paragraph (e), paragraph (k), paragraph (l), or paragraph (o) of subsection (3), the public record or part thereof in question shall be submitted to the court for an inspection in camera. If an exemption is alleged to exist under or by virtue of paragraph (b) of subsection (3), an inspection in camera will be discretionary with the court. If the court finds that the asserted exemption is not applicable, it shall order the public record or part thereof in question to be immediately produced for inspection, examination, or copying as requested by the person seeking such access.~~

~~(c) Even if an assertion is made by the custodian of a public record that a requested record is not a public record subject to public inspection and examination under subsection (1), the requested record shall, nevertheless, not be disposed of for a period of 30 days after the date on which a written request requesting the right to inspect, examine, or copy the record was served on or otherwise made to the custodian of the record by the person seeking access to the record. If a civil action is instituted within the 30-day period to enforce the provisions of this section with respect to the requested record, the custodian shall not dispose of the record except by order of a court of competent jurisdiction after notice to all affected parties.~~

~~(d) The absence of a civil action instituted for the purpose stated in paragraph (c) will not relieve the custodian of the duty to maintain the record as a public record if the record is in fact a public record subject to public inspection and examination under subsection (1) and will not otherwise excuse or exonerate the custodian from any unauthorized or unlawful disposition of such record.~~

(6)~~(3)~~(a) Examination questions and answer sheets of examinations administered by a governmental agency for the purpose of licensure, certification, or employment are exempt from the provisions of subsection (1) and s. 24(a), Art. I of the State Constitution. A person who has taken such an examination shall have the right to review his or her own completed examination.

(b)1. Active criminal intelligence information and active criminal investigative information are exempt from the provisions of subsection (1) and s. 24(a), Art. I of the State Constitution.

2. A request of a law enforcement agency to inspect or copy a public record that is in the custody of another agency, the custodian's response to the request, and any information that would identify the public record that was requested by the law enforcement agency or provided by the custodian are exempt from the requirements of subsection (1) and s. 24(a), Art. I of the State Constitution, during the period in which the information constitutes *criminal intelligence* ~~criminal intelligence~~ information or *criminal investigative* ~~criminal investigative~~ information that is active. This exemption is remedial in nature and it is the intent of the Legislature that the exemption be applied to requests for information received before, on, or after the effective date of this subparagraph. The law enforcement agency shall give notice to the custodial agency when the *criminal intelligence* ~~criminal intelligence~~ information or *criminal investigative* ~~criminal investigative~~ information is no longer active, so that the custodian's response to the request and information that would identify the public record requested are available to the public. This subparagraph is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15 and shall stand repealed October 2, 2007, unless reviewed and saved from repeal through reenactment by the Legislature.

(c) Any information revealing the identity of a confidential informant or a confidential source is exempt from the provisions of subsection (1) and s. 24(a), Art. I of the State Constitution.

(d) Any information revealing surveillance techniques or procedures or personnel is exempt from the provisions of subsection (1) and s. 24(a), Art. I of the State Constitution. Any comprehensive inventory of state and local law enforcement resources compiled pursuant to part I, chapter 23, and any comprehensive policies or plans compiled by a criminal justice agency pertaining to the mobilization, deployment, or tactical operations involved in responding to emergencies, as defined in s. 252.34(3), are exempt from the provisions of subsection (1) and s. 24(a), Art. I of the State Constitution and unavailable for inspection, except by personnel authorized by a state or local law enforcement agency, the office of the Governor, the Department of Legal Affairs, the Department of Law Enforcement, or the Department of Community Affairs as having an official need for access to the inventory or comprehensive policies or plans.

(e) Any information revealing undercover personnel of any criminal justice agency is exempt from the provisions of subsection (1) and s. 24(a), Art. I of the State Constitution.

(f) Any criminal intelligence information or criminal investigative information including the photograph, name, address, or other fact or information which reveals the identity of the victim of the crime of sexual battery as defined in chapter 794; the identity of the victim of a lewd or lascivious offense committed upon or in the presence of a person less than 16 years of age, as defined in chapter 800; or the identity of the victim of the crime of child abuse as defined by chapter 827 and any criminal intelligence information or criminal investigative information or other criminal record, including those portions of court records and court proceedings, which may reveal the identity of a person who is a victim of any sexual offense, including a sexual offense proscribed in chapter 794, chapter 800, or chapter 827, is exempt from the provisions of subsection (1) and s. 24(a), Art. I of the State Constitution.

(g) Any criminal intelligence information or criminal investigative information which reveals the personal assets of the victim of a crime, other than property stolen or destroyed during the commission of the crime, is exempt from the provisions of subsection (1) and s. 24(a), Art. I of the State Constitution.

(h) All criminal intelligence and criminal investigative information received by a criminal justice agency prior to January 25, 1979, is exempt from the provisions of subsection (1) and s. 24(a), Art. I of the State Constitution.

(i)1. The home addresses, telephone numbers, social security numbers, and photographs of active or former law enforcement personnel, including correctional and correctional probation officers, personnel of the Department of Children and Family Services whose duties include the investigation of abuse, neglect, exploitation, fraud, theft, or other criminal activities, personnel of the Department of Health

whose duties are to support the investigation of child abuse or neglect, and personnel of the Department of Revenue or local governments whose responsibilities include revenue collection and enforcement or child support enforcement; the home addresses, telephone numbers, social security numbers, photographs, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from the provisions of subsection (1). The home addresses, telephone numbers, and photographs of firefighters certified in compliance with s. 633.35; the home addresses, telephone numbers, photographs, and places of employment of the spouses and children of such firefighters; and the names and locations of schools and day care facilities attended by the children of such firefighters are exempt from subsection (1). The home addresses and telephone numbers of justices of the Supreme Court, district court of appeal judges, circuit court judges, and county court judges; the home addresses, telephone numbers, and places of employment of the spouses and children of justices and judges; and the names and locations of schools and day care facilities attended by the children of justices and judges are exempt from the provisions of subsection (1). The home addresses, telephone numbers, social security numbers, and photographs of current or former state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors; the home addresses, telephone numbers, social security numbers, photographs, and places of employment of the spouses and children of current or former state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors; and the names and locations of schools and day care facilities attended by the children of current or former state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors are exempt from subsection (1) and s. 24(a), Art. I of the State Constitution.

2. The home addresses, telephone numbers, social security numbers, and photographs of current or former human resource, labor relations, or employee relations directors, assistant directors, managers, or assistant managers of any local government agency or water management district whose duties include hiring and firing employees, labor contract negotiation, administration, or other personnel-related duties; the names, home addresses, telephone numbers, social security numbers, photographs, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from subsection (1) and s. 24(a), Art. I of the State Constitution. This subparagraph is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, and shall stand repealed on October 2, 2006, unless reviewed and saved from repeal through reenactment by the Legislature.

3. The home addresses, telephone numbers, social security numbers, and photographs of current or former code enforcement officers; the names, home addresses, telephone numbers, social security numbers, photographs, and places of employment of the spouses and children of such persons; and the names and locations of schools and day care facilities attended by the children of such persons are exempt from subsection (1) and s. 24(a), Art. I of the State Constitution. This subparagraph is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, and shall stand repealed on October 2, 2006, unless reviewed and saved from repeal through reenactment by the Legislature.

4. An agency that is the custodian of the personal information specified in subparagraph 1., subparagraph 2., or subparagraph 3. and that is not the employer of the officer, employee, justice, judge, or other person specified in subparagraph 1., subparagraph 2., or subparagraph 3. shall maintain the *exempt status* ~~confidentiality~~ of the personal information only if the officer, employee, justice, judge, other person, or employing agency of the designated employee submits a written request for *maintenance of the exemption* ~~confidentiality~~ to the custodial agency.

(j) Any information provided to an agency of state government or to an agency of a political subdivision of the state for the purpose of forming ridesharing arrangements, which information reveals the identity of an individual who has provided his or her name for ridesharing, as defined in s. 341.031, is exempt from the provisions of subsection (1) and s. 24(a), Art. I of the State Constitution.

(k) Any information revealing the substance of a confession of a person arrested is exempt from the provisions of subsection (1) and s. 24(a), Art. I of the State Constitution, until such time as the criminal case is finally determined by adjudication, dismissal, or other final disposition.

(l)1. A public record which was prepared by an agency attorney (including an attorney employed or retained by the agency or employed or retained by another public officer or agency to protect or represent the interests of the agency having custody of the record) or prepared at the attorney's express direction, which reflects a mental impression, conclusion, litigation strategy, or legal theory of the attorney or the agency, and which was prepared exclusively for civil or criminal litigation or for adversarial administrative proceedings, or which was prepared in anticipation of imminent civil or criminal litigation or imminent adversarial administrative proceedings, is exempt from the provisions of subsection (1) and s. 24(a), Art. I of the State Constitution until the conclusion of the litigation or adversarial administrative proceedings. For purposes of capital collateral litigation as set forth in s. 27.7001, the Attorney General's office is entitled to claim this exemption for those public records prepared for direct appeal as well as for all capital collateral litigation after direct appeal until execution of sentence or imposition of a life sentence.

2. This exemption is not waived by the release of such public record to another public employee or officer of the same agency or any person consulted by the agency attorney. When asserting the right to withhold a public record pursuant to this paragraph, the agency shall identify the potential parties to any such criminal or civil litigation or adversarial administrative proceedings. If a court finds that the document or other record has been improperly withheld under this paragraph, the party seeking access to such document or record shall be awarded reasonable attorney's fees and costs in addition to any other remedy ordered by the court.

(m) Sealed bids or proposals received by an agency pursuant to invitations to bid or requests for proposals are exempt from the provisions of subsection (1) and s. 24(a), Art. I of the State Constitution until such time as the agency provides notice of a decision or intended decision pursuant to s. 120.57(3)(a) or within 10 days after bid or proposal opening, whichever is earlier.

(n) When an agency of the executive branch of state government seeks to acquire real property by purchase or through the exercise of the power of eminent domain all appraisals, other reports relating to value, offers, and counteroffers must be in writing and are exempt from the provisions of subsection (1) and s. 24(a), Art. I of the State Constitution until execution of a valid option contract or a written offer to sell that has been conditionally accepted by the agency, at which time the exemption shall expire. The agency shall not finally accept the offer for a period of 30 days in order to allow public review of the transaction. The agency may give conditional acceptance to any option or offer subject only to final acceptance by the agency after the 30-day review period. If a valid option contract is not executed, or if a written offer to sell is not conditionally accepted by the agency, then the exemption from the provisions of this chapter shall expire at the conclusion of the condemnation litigation of the subject property. An agency of the executive branch may exempt title information, including names and addresses of property owners whose property is subject to acquisition by purchase or through the exercise of the power of eminent domain, from the provisions of subsection (1) and s. 24(a), Art. I of the State Constitution to the same extent as appraisals, other reports relating to value, offers, and counteroffers. For the purpose of this paragraph, "option contract" means an agreement of an agency of the executive branch of state government to purchase real property subject to final agency approval. This paragraph shall have no application to other exemptions from the provisions of subsection (1) which are contained in other provisions of law and shall not be construed to be an express or implied repeal thereof.

(o) Data processing software obtained by an agency under a licensing agreement which prohibits its disclosure and which software is a trade secret, as defined in s. 812.081, and agency-produced data processing software which is sensitive are exempt from the provisions of subsection (1) and s. 24(a), Art. I of the State Constitution. The

designation of agency-produced software as sensitive shall not prohibit an agency head from sharing or exchanging such software with another public agency. ~~As used in this paragraph:~~

~~1. "Data processing software" means the programs and routines used to employ and control the capabilities of data processing hardware, including, but not limited to, operating systems, compilers, assemblers, utilities, library routines, maintenance routines, applications, and computer networking programs.~~

~~2. "Sensitive" means only those portions of data processing software, including the specifications and documentation, used to:~~

~~a. Collect, process, store, and retrieve information which is exempt from the provisions of subsection (1);~~

~~b. Collect, process, store, and retrieve financial management information of the agency, such as payroll and accounting records; or~~

~~c. Control and direct access authorizations and security measures for automated systems.~~

(p) All complaints and other records in the custody of any unit of local government which relate to a complaint of discrimination relating to race, color, religion, sex, national origin, age, handicap, marital status, sale or rental of housing, the provision of brokerage services, or the financing of housing are exempt from the provisions of subsection (1) and s. 24(a), Art. I of the State Constitution until a finding is made relating to probable cause, the investigation of the complaint becomes inactive, or the complaint or other record is made part of the official record of any hearing or court proceeding. This provision shall not affect any function or activity of the Florida Commission on Human Relations. Any state or federal agency which is authorized to have access to such complaints or records by any provision of law shall be granted such access in the furtherance of such agency's statutory duties, notwithstanding the provisions of this section. This paragraph shall not be construed to modify or repeal any special or local act.

(q) All complaints and other records in the custody of any agency in the executive branch of state government which relate to a complaint of discrimination relating to race, color, religion, sex, national origin, age, handicap, or marital status in connection with hiring practices, position classifications, salary, benefits, discipline, discharge, employee performance, evaluation, or other related activities are exempt from the provisions of subsection (1) and s. 24(a), Art. I of the State Constitution until a finding is made relating to probable cause, the investigation of the complaint becomes inactive, or the complaint or other record is made part of the official record of any hearing or court proceeding. This provision shall not affect any function or activity of the Florida Commission on Human Relations. Any state or federal agency which is authorized to have access to such complaints or records by any provision of law shall be granted such access in the furtherance of such agency's statutory duties, notwithstanding the provisions of this section.

(r) All records supplied by a telecommunications company, as defined by s. 364.02, to a state or local governmental agency which contain the name, address, and telephone number of subscribers are confidential and exempt from the provisions of subsection (1) and s. 24(a), Art. I of the State Constitution.

(s)1. Any document that reveals the identity, home or employment telephone number, home or employment address, or personal assets of the victim of a crime and identifies that person as the victim of a crime, which document is received by any agency that regularly receives information from or concerning the victims of crime, is exempt from the provisions of subsection (1) and s. 24(a), Art. I of the State Constitution. Any information not otherwise held confidential or exempt from the provisions of subsection (1) which reveals the home or employment telephone number, home or employment address, or personal assets of a person who has been the victim of sexual battery, aggravated child abuse, aggravated stalking, harassment, aggravated battery, or domestic violence is exempt from the provisions of subsection (1) and s. 24(a), Art. I of the State Constitution, upon written request by the victim, which must include official verification that an applicable crime has occurred. Such information shall cease to be exempt 5 years after the receipt of the written request. Any state or federal agency that is authorized to have access to such documents by any provision of law shall be granted such access in the furtherance of such agency's statutory duties, notwithstanding the provisions of this section.

2. Any information in a videotaped statement of a minor who is alleged to be or who is a victim of sexual battery, lewd acts, or other sexual misconduct proscribed in chapter 800 or in s. 794.011, s. 827.071, s. 847.012, s. 847.0125, s. 847.013, s. 847.0133, or s. 847.0145, which reveals that minor's identity, including, but not limited to, the minor's face; the minor's home, school, church, or employment telephone number; the minor's home, school, church, or employment address; the name of the minor's school, church, or place of employment; or the personal assets of the minor; and which identifies that minor as the victim of a crime described in this subparagraph, is confidential and exempt from subsection (1) and s. 24(a), Art. I of the State Constitution. Any governmental agency that is authorized to have access to such statements by any provision of law shall be granted such access in the furtherance of the agency's statutory duties, notwithstanding the provisions of this section. This subparagraph is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, and shall stand repealed on October 2, 2003.

3. A public employee or officer who has access to the videotaped statement of a minor who is alleged to be or who is a victim of sexual battery, lewd acts, or other sexual misconduct proscribed in chapter 800 or in s. 794.011, s. 827.071, s. 847.012, s. 847.0125, s. 847.013, s. 847.0133, or s. 847.0145, may not willfully and knowingly disclose videotaped information that reveals that minor's identity to a person who is not assisting in the investigation or prosecution of the alleged offense or to any person other than the defendant, the defendant's attorney, or a person specified in an order entered by the court having jurisdiction of the alleged offense.

4. A person who violates subparagraph 3. commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(t) Any financial statement which an agency requires a prospective bidder to submit in order to prequalify for bidding or for responding to a proposal for a road or any other public works project is exempt from the provisions of subsection (1) and s. 24(a), Art. I of the State Constitution.

(u) Where the alleged victim chooses not to file a complaint and requests that records of the complaint remain confidential, all records relating to an allegation of employment discrimination are confidential and exempt from the provisions of subsection (1) and s. 24(a), Art. I of the State Constitution.

(v) Medical information pertaining to a prospective, current, or former officer or employee of an agency which, if disclosed, would identify that officer or employee is exempt from the provisions of subsection (1) and s. 24(a), Art. I of the State Constitution. However, such information may be disclosed if the person to whom the information pertains or the person's legal representative provides written permission or pursuant to court order.

(w)1. If certified pursuant to subparagraph 2., an investigatory record of the Chief Inspector General within the Executive Office of the Governor or of the employee designated by an agency head as the agency inspector general under s. 112.3189 is exempt from the provisions of subsection (1) and s. 24(a), Art. I of the State Constitution until the investigation ceases to be active, or a report detailing the investigation is provided to the Governor or the agency head, or 60 days from the inception of the investigation for which the record was made or received, whichever first occurs. Investigatory records are those records which are related to the investigation of an alleged, specific act or omission or other wrongdoing, with respect to an identifiable person or group of persons, based on information compiled by the Chief Inspector General or by an agency inspector general, as named under the provisions of s. 112.3189, in the course of an investigation. An investigation is active if it is continuing with a reasonable, good faith anticipation of resolution and with reasonable dispatch.

2. The Governor, in the case of the Chief Inspector General, or agency head, in the case of an employee designated as the agency inspector general under s. 112.3189, may certify such investigatory

records require an exemption to protect the integrity of the investigation or avoid unwarranted damage to an individual's good name or reputation. The certification shall specify the nature and purpose of the investigation and shall be kept with the exempt records and made public when the records are made public.

3. The provisions of this paragraph do not apply to whistle-blower investigations conducted pursuant to the provisions of ss. 112.3187, 112.3188, 112.3189, and 112.31895.

(x) The social security numbers of all current and former agency employees which numbers are contained in agency employment records are exempt from subsection (1) and exempt from s. 24(a), Art. I of the State Constitution. As used in this paragraph, the term "agency" means an agency as defined in s. 119.011.

(y) The audit report of an internal auditor prepared for or on behalf of a unit of local government becomes a public record when the audit becomes final. As used in this paragraph, "unit of local government" means a county, municipality, special district, local agency, authority, consolidated city-county government, or any other local governmental body or public body corporate or politic authorized or created by general or special law. An audit becomes final when the audit report is presented to the unit of local government. Audit workpapers and notes related to such audit report are confidential and exempt from the provisions of subsection (1) and s. 24(a), Art. I of the State Constitution until the audit is completed and the audit report becomes final.

~~(z) Bank account numbers or debit, charge, or credit card numbers given to an agency for the purpose of payment of any fee or debt owing are confidential and exempt from subsection (1) and s. 24(a), Art. I of the State Constitution. However, such numbers may be used by an agency, as needed, in any administrative or judicial proceeding, provided such numbers are kept confidential and exempt, unless otherwise ordered by the court. This paragraph is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, and shall stand repealed on October 2, 2001, unless reviewed and saved from repeal through reenactment by the Legislature.~~

(z)~~(aa)~~ Any data, record, or document used directly or solely by a municipally owned utility to prepare and submit a bid relative to the sale, distribution, or use of any service, commodity, or tangible personal property to any customer or prospective customer shall be exempt from the provisions of subsection (1) and s. 24(a), Art. I of the State Constitution. This exemption commences when a municipal utility identifies in writing a specific bid to which it intends to respond. This exemption no longer applies when the contract for sale, distribution, or use of the service, commodity, or tangible personal property is executed, a decision is made not to execute such contract, or the project is no longer under active consideration. The exemption in this paragraph includes the bid documents actually furnished in response to the request for bids. However, the exemption for the bid documents submitted no longer applies after the bids are opened by the customer or prospective customer.

(aa)~~(bb)~~ Upon a request made in a form designated by the Department of Highway Safety and Motor Vehicles, personal information contained in a motor vehicle record that identifies the requester is exempt from subsection (1) and s. 24(a), Art. I of the State Constitution except as provided in this paragraph. Personal information includes, but is not limited to, the requester's social security number, driver identification number, name, address, telephone number, and medical or disability information. For purposes of this paragraph, personal information does not include information relating to vehicular crashes, driving violations, and driver's status. Such request may be made only by the person who is the subject of the motor vehicle record. For purposes of this paragraph, "motor vehicle record" means any record that pertains to a motor vehicle operator's permit, motor vehicle title, motor vehicle registration, or identification card issued by the Department of Highway Safety and Motor Vehicles. Personal information contained in motor vehicle records exempted by an individual's request pursuant to this paragraph shall be released by the department for any of the following uses:

1. For use in connection with matters of motor vehicle or driver safety and theft; motor vehicle emissions; motor vehicle product alterations, recalls, or advisories; performance monitoring of motor vehicles and dealers by motor vehicle manufacturers; and removal of nonowner records from the original owner records of motor vehicle manufacturers, to carry out the purposes of the Automobile Information Disclosure Act, the Motor Vehicle Information and Cost Saving Act, the National Traffic and Motor Vehicle Safety Act of 1966, the Anti-Car Theft Act of 1992, and the Clean Air Act.

2. For use by any government agency, including any court or law enforcement agency, in carrying out its functions, or any private person or entity acting on behalf of a federal, state, or local agency in carrying out its functions.

3. For use in connection with matters of motor vehicle or driver safety and theft; motor vehicle emissions; motor vehicle product alterations, recalls, or advisories; performance monitoring of motor vehicles, motor vehicle parts, and dealers; motor vehicle market research activities, including survey research; and removal of nonowner records from the original owner records of motor vehicle manufacturers.

4. For use in the normal course of business by a legitimate business or its agents, employees, or contractors, but only:

a. To verify the accuracy of personal information submitted by the individual to the business or its agents, employees, or contractors; and

b. If such information as so submitted is not correct or is no longer correct, to obtain the correct information, but only for the purposes of preventing fraud by, pursuing legal remedies against, or recovering on a debt or security interest against, the individual.

5. For use in connection with any civil, criminal, administrative, or arbitral proceeding in any court or agency or before any self-regulatory body for:

a. Service of process by any certified process server, special process server, or other person authorized to serve process in this state.

b. Investigation in anticipation of litigation by an attorney licensed to practice law in this state or the agent of the attorney.

c. Investigation by any person in connection with any filed proceeding.

d. Execution or enforcement of judgments and orders.

e. Compliance with an order of any court.

6. For use in research activities and for use in producing statistical reports, so long as the personal information is not published, redisclosed, or used to contact individuals.

7. For use by any insurer or insurance support organization, or by a self-insured entity, or its agents, employees, or contractors, in connection with claims investigation activities, anti-fraud activities, rating, or underwriting.

8. For use in providing notice to the owners of towed or impounded vehicles.

9. For use by any licensed private investigative agency or licensed security service for any purpose permitted under this paragraph. Personal information obtained based on an exempt driver's record may not be provided to a client who cannot demonstrate a need based on a police report, court order, or a business or personal relationship with the subject of the investigation.

10. For use by an employer or its agent or insurer to obtain or verify information relating to a holder of a commercial driver's license that is required under the Commercial Motor Vehicle Safety Act of 1986, 49 U.S.C. App. 2710 et seq.

11. For use in connection with the operation of private toll transportation facilities.

12. For bulk distribution for surveys, marketing, or solicitations when the department has implemented methods and procedures to ensure that:

a. Individuals are provided an opportunity, in a clear and conspicuous manner, to prohibit such uses; and

b. The information will be used, rented, or sold solely for bulk distribution for survey, marketing, and solicitations, and that surveys, marketing, and solicitations will not be directed at those individuals who have timely requested that they not be directed at them.

13. For any use if the requesting person demonstrates that he or she has obtained the written consent of the person who is the subject of the motor vehicle record.

14. For any other use specifically authorized by state law, if such use is related to the operation of a motor vehicle or public safety.

Personal information exempted from public disclosure according to this paragraph may be disclosed by the Department of Highway Safety and Motor Vehicles to an individual, firm, corporation, or similar business entity whose primary business interest is to resell or redisclose the personal information to persons who are authorized to receive such information. Prior to the department's disclosure of personal information, such individual, firm, corporation, or similar business entity must first enter into a contract with the department regarding the care, custody, and control of the personal information to ensure compliance with the federal Driver's Privacy Protection Act of 1994 and applicable state laws. An authorized recipient of personal information contained in a motor vehicle record, except a recipient under subparagraph 12., may contract with the Department of Highway Safety and Motor Vehicles to resell or redisclose the information for any use permitted under this paragraph. However, only authorized recipients of personal information under subparagraph 12. may resell or redisclose personal information pursuant to subparagraph 12. Any authorized recipient who resells or rediscloses personal information shall maintain, for a period of 5 years, records identifying each person or entity that receives the personal information and the permitted purpose for which it will be used. Such records shall be made available for inspection upon request by the department. The department shall adopt rules to carry out the purposes of this paragraph and the federal Driver's Privacy Protection Act of 1994, Title XXX, Pub. L. No. 103-322. Rules adopted by the department shall provide for the payment of applicable fees and, prior to the disclosure of personal information pursuant to this paragraph, shall require the meeting of conditions by the requesting person for the purposes of obtaining reasonable assurance concerning the identity of such requesting person, and, to the extent required, assurance that the use will be only as authorized or that the consent of the person who is the subject of the personal information has been obtained. Such conditions may include, but need not be limited to, the making and filing of a written application in such form and containing such information and certification requirements as the department requires.

(bb)~~(cc)~~1. Medical history records, bank account numbers, credit card numbers, telephone numbers, and information related to health or property insurance furnished by an individual to any agency pursuant to federal, state, or local housing assistance programs are confidential and exempt from the provisions of subsection (1) and s. 24(a), Art. I of the State Constitution. Any other information produced or received by any private or public entity in direct connection with federal, state, or local housing assistance programs, unless the subject of another federal or state exemption, is subject to subsection (1).

2. Governmental agencies or their agents are entitled to access to the records specified in this paragraph for the purposes of auditing federal, state, or local housing programs or housing assistance programs. Such records may be used by an agency, as needed, in any administrative or judicial proceeding, provided such records are kept confidential and exempt, unless otherwise ordered by a court.

3. This paragraph is repealed effective October 2, 2003, and must be reviewed by the Legislature before that date in accordance with s. 119.15, the Open Government Sunset Review Act of 1995.

(cc)~~(dd)~~ All personal identifying information; bank account numbers; and debit, charge, and credit card numbers contained in records relating to an individual's personal health or eligibility for health-related services made or received by the Department of Health or its service providers are confidential and exempt from the provisions of subsection (1) and s. 24(a), Art. I of the State Constitution, except as otherwise provided in this paragraph. Information made confidential and exempt by this paragraph shall be disclosed:

1. With the express written consent of the individual or the individual's legally authorized representative.

2. In a medical emergency, but only to the extent necessary to protect the health or life of the individual.

3. By court order upon a showing of good cause.

4. To a health research entity, if the entity seeks the records or data pursuant to a research protocol approved by the department, maintains the records or data in accordance with the approved protocol, and enters into a purchase and data-use agreement with the department, the fee provisions of which are consistent with *subsection (4)* ~~paragraph (1)(a)~~. The department may deny a request for records or data if the protocol provides for intrusive follow-back contacts, has not been approved by a human studies institutional review board, does not plan for the destruction of confidential records after the research is concluded, is administratively burdensome, or does not have scientific merit. The agreement must restrict the release of any information, which would permit the identification of persons, limit the use of records or data to the approved research protocol, and prohibit any other use of the records or data. Copies of records or data issued pursuant to this subparagraph remain the property of the department.

This paragraph is subject to the Open Government Sunset Review Act of 1995, in accordance with s. 119.15, and shall stand repealed on October 2, 2006, unless reviewed and saved from repeal through reenactment by the Legislature.

(dd) Any videotape or video signal which, under an agreement with an agency, is produced, made, or received by, or is in the custody of, a federally licensed radio or television station or its agent is exempt from this chapter.

(7)~~(4)~~ Nothing in this section shall be construed to exempt from subsection (1) a public record which was made a part of a court file and which is not specifically closed by order of court, except as provided in paragraphs (c), (d), (e), (k), (l), and (o) of subsection *(6)* ~~(3)~~ and except information or records which may reveal the identity of a person who is a victim of a sexual offense as provided in paragraph (f) of subsection *(6)* ~~(3)~~.

(8)~~(5)~~ An exemption from this section does not imply an exemption from or exception to s. 286.011. The exemption from or exception to s. 286.011 must be expressly provided.

(9)~~(6)~~ Nothing in subsection *(6)* ~~(3)~~ or any other general or special law shall limit the access of the Auditor General, the Office of Program Policy Analysis and Government Accountability, or any state, county, municipal, university, board of community college, school district, or special district internal auditor to public records when such person states in writing that such records are needed for a properly authorized audit, examination, or investigation. Such person shall maintain the *confidential or exempt status* ~~confidentiality~~ of *a* ~~any~~ public *record* ~~records~~ that *is* ~~are~~ confidential or exempt from the provisions of subsection (1)*,* and shall be subject to the same penalties as the *custodian* ~~custodians~~ of *that record* ~~those public records~~ for *public disclosure of such record* ~~violating confidentiality~~.

(10)~~(7)~~(a) Any person or organization, including the Department of Children and Family Services, may petition the court for an order making public the records of the Department of Children and Family Services that pertain to investigations of alleged abuse, neglect, abandonment, or exploitation of a child or a vulnerable adult. The court shall determine if good cause exists for public access to the records sought or a portion thereof. In making this determination, the court shall balance the best interest of the vulnerable adult or child who is the focus of the investigation, and in the case of the child, the interest of that child's siblings, together with the privacy right of other persons identified in the reports against the public interest. The public interest in access to such records is reflected in s. 119.01(1), and includes the

need for citizens to know of and adequately evaluate the actions of the Department of Children and Family Services and the court system in providing vulnerable adults and children of this state with the protections enumerated in ss. 39.001 and 415.101. However, this subsection does not contravene ss. 39.202 and 415.107, which protect the name of any person reporting the abuse, neglect, or exploitation of a child or a vulnerable adult.

(b) In cases involving serious bodily injury to a child or a vulnerable adult, the Department of Children and Family Services may petition the court for an order for the immediate public release of records of the department which pertain to the protective investigation. The petition must be personally served upon the child or vulnerable adult, the child's parents or guardian, the legal guardian of that person, if any, and any person named as an alleged perpetrator in the report of abuse, neglect, abandonment, or exploitation. The court must determine if good cause exists for the public release of the records sought no later than 24 hours, excluding Saturdays, Sundays, and legal holidays, after the date the department filed the petition with the court. If the court has neither granted nor denied the petition within the 24-hour time period, the department may release to the public summary information including:

1. A confirmation that an investigation has been conducted concerning the alleged victim.

2. The dates and brief description of procedural activities undertaken during the department's investigation.

3. The date of each judicial proceeding, a summary of each participant's recommendations made at the judicial proceedings, and the rulings of the court.

The summary information may not include the name of, or other identifying information with respect to, any person identified in any investigation. In making a determination to release confidential information, the court shall balance the best interests of the vulnerable adult or child who is the focus of the investigation and, in the case of the child, the interests of that child's siblings, together with the privacy rights of other persons identified in the reports against the public interest for access to public records. However, this paragraph does not contravene ss. 39.202 and 415.107, which protect the name of any person reporting abuse, neglect, or exploitation of a child or a vulnerable adult.

(c) When the court determines that good cause for public access exists, the court shall direct that the department redact the name of and other identifying information with respect to any person identified in any protective investigation report until such time as the court finds that there is probable cause to believe that the person identified committed an act of alleged abuse, neglect, or abandonment.

(11)~~(8)~~ The provisions of this section are not intended to expand or limit the provisions of Rule 3.220, Florida Rules of Criminal Procedure, regarding the right and extent of discovery by the state or by a defendant in a criminal prosecution or in collateral postconviction proceedings. This section may not be used by any inmate as the basis for failing to timely litigate any postconviction action.

Section 8. *Sections 119.08 and 119.083, Florida Statutes, are repealed.*

Section 9. Section 119.084, Florida Statutes, is amended to read:

119.084 Definitions; copyright of data processing software created by governmental agencies; sale price and licensing fee~~; access to public records; prohibited contracts~~.—

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

~~(a)~~ "agency" has the same meaning as in s. 119.011(2), except that the term does not include any private agency, person, partnership, corporation, or business entity.

~~(b) "Data processing software" means the programs and routines used to employ and control the capabilities of data processing hardware, including, but not limited to, operating systems, compilers, assemblers, utilities, library routines, maintenance routines, applications, and computer networking programs.~~

~~(c) "Proprietary software" means data processing software that is protected by copyright or trade secret laws.~~

(2) Any agency is authorized to acquire and hold copyrights for data processing software created by the agency and to enforce its rights pertaining to such copyrights, provided that the agency complies with the requirements of this section.

(a) Any agency that has acquired a copyright for data processing software created by the agency may sell or license the copyrighted data processing software to any public agency or private person and may establish a price for the sale and a license fee for the use of such data processing software. Proceeds from the sale or licensing of copyrighted data processing software shall be deposited by the agency into a trust fund for the agency's appropriate use for authorized purposes. Counties, municipalities, and other political subdivisions of the state may designate how such sale and licensing proceeds are to be used. The price for the sale of and the fee for the licensing of copyrighted data processing software may be based on market considerations. However, the prices or fees for the sale or licensing of copyrighted data processing software to an individual or entity solely for application to information maintained or generated by the agency that created the copyrighted data processing software shall be determined pursuant to s. 119.07*(4)*~~(1)~~.

(b) The provisions of this subsection are supplemental to, and shall not supplant or repeal, any other provision of law that authorizes an agency to acquire and hold copyrights.

~~(3) Subject to the restrictions of copyright and trade secret laws and public records exemptions, agency use of proprietary software must not diminish the right of the public to inspect and copy a public record.~~

~~(4) An agency must consider when designing or acquiring an electronic recordkeeping system that such system is capable of providing data in some common format such as, but not limited to, the American Standard Code for Information Interchange.~~

~~(5) Each agency that maintains a public record in an electronic recordkeeping system shall provide to any person, pursuant to this chapter, a copy of any public record in that system which is not exempted by law from public disclosure. An agency must provide a copy of the record in the medium requested if the agency maintains the record in that medium, and the agency may charge a fee which shall be in accordance with this chapter. For the purpose of satisfying a public records request, the fee to be charged by an agency if it elects to provide a copy of a public record in a medium not routinely used by the agency, or if it elects to compile information not routinely developed or maintained by the agency or that requires a substantial amount of manipulation or programming, must be in accordance with s. 119.07(1)(b).~~

~~(6) An agency may not enter into a contract for the creation or maintenance of a public records database if that contract impairs the ability of the public to inspect or copy the public records of that agency, including public records that are on-line or stored in an electronic recordkeeping system used by the agency. Such contract may not allow any impediment that as a practical matter makes it more difficult for the public to inspect or copy the records than to inspect or copy the agency's records. The fees and costs for the production of such records may not be more than the fees or costs charged by the agency.~~

(3)~~(7)~~ This section is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15 and shall stand repealed on October 2, 2006, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 10. *Sections 119.085 and 119.09, Florida Statutes, are repealed.*

Section 11. Section 119.10, Florida Statutes, is amended to read:

119.10 Violation of chapter; penalties.—

(1) Any public officer who violates any provision of this chapter is guilty of a noncriminal infraction, punishable by fine not exceeding $500.

(2) Any person *who* willfully and knowingly *violates:* ~~violating~~

(a) Any of the provisions of this chapter *commits* ~~is guilty of~~ a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b)~~(3)~~ *Section* ~~Any person who willfully and knowingly violates s.~~ 119.105 commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 12. Section 119.105, Florida Statutes, is amended to read:

119.105 Protection of victims of crimes or accidents.—Police reports are public records except as otherwise made exempt or confidential ~~by general or special law~~. Every person is allowed to examine nonexempt or nonconfidential police reports. No person who inspects or copies police reports for the purpose of obtaining the names and addresses of the victims of crimes or accidents shall use any information contained therein for any commercial solicitation of the victims or relatives of the victims of the reported crimes or accidents. Nothing herein shall prohibit the publication of such information by any news media or the use of such information for any other data collection or analysis purposes.

Section 13. Paragraph (a) of subsection (1) of section 120.55, Florida Statutes, is amended to read:

120.55 Publication.—

(1) The Department of State shall:

(a)1. *Through a continuous revision system, compile and publish the "Florida Administrative Code." The Florida Administrative Code shall contain* ~~Publish in a permanent compilation entitled "Florida Administrative Code"~~ all rules adopted by each agency, citing the specific rulemaking authority pursuant to which each rule was adopted, all history notes as authorized in s. 120.545(9), and complete indexes to all rules contained in the code. Supplementation shall be made as often as practicable, but at least monthly. The department may contract with a publishing firm for the publication, in a timely and useful form, of the Florida Administrative Code; however, the department shall retain responsibility for the code as provided in this section. This publication shall be the official compilation of the administrative rules of this state. The Department of State shall retain the copyright over the Florida Administrative Code.

2. Rules general in form but applicable to only one school district, community college district, or county, or a part thereof, or university rules relating to internal personnel or business and finance shall not be published in the Florida Administrative Code. Exclusion from publication in the Florida Administrative Code shall not affect the validity or effectiveness of such rules.

3. At the beginning of the section of the code dealing with an agency that files copies of its rules with the department, the department shall publish the address and telephone number of the executive offices of each agency, the manner by which the agency indexes its rules, a listing of all rules of that agency excluded from publication in the code, and a statement as to where those rules may be inspected.

4. Forms shall not be published in the Florida Administrative Code; but any form which an agency uses in its dealings with the public, along with any accompanying instructions, shall be filed with the committee before it is used. Any form or instruction which meets the definition of "rule" provided in s. 120.52 shall be incorporated by reference into the appropriate rule. The reference shall specifically state that the form is being incorporated by reference and shall include the number, title, and effective date of the form and an explanation of how the form may be obtained.

Section 14. Paragraph (b) of subsection (2) of section 257.36, Florida Statutes, is amended to read:

257.36 Records and information management.—

(2)

(b) Title to any record detained in any records center shall remain in the agency transferring such record to the division. *When the Legislature transfers any duty or responsibility of an agency to another agency, the receiving agency shall be the custodian of public records with regard to the public records associated with that transferred duty or responsibility, and shall be responsible for the records storage service charges of the division. If an agency is dissolved and the legislation dissolving that agency does not assign an existing agency as the custodian of public records for the dissolved agency's records, then the Cabinet is the custodian of public records for the dissolved agency, unless the Cabinet otherwise designates a custodian. The Cabinet or the agency designated by the Cabinet shall be responsible for the records storage service charges of the division.*

Section 15. Subsection (5) of section 328.15, Florida Statutes, is amended to read:

328.15 Notice of lien on vessel; recording.—

(5) The Department of Highway Safety and Motor Vehicles shall make such rules and regulations as it deems necessary or proper for the effective administration of this law. The department may by rule require that a notice of satisfaction of a lien be notarized. The department shall prepare the forms of the notice of lien and the satisfaction of lien to be supplied, at a charge not to exceed 50 percent more than cost, to applicants for recording the liens or satisfactions and shall keep a ~~permanent~~ record of such notices of lien and satisfactions available for inspection by the public at all reasonable times. The division is authorized to furnish certified copies of such satisfactions for a fee of $1, which certified copies shall be admissible in evidence in all courts of this state under the same conditions and to the same effect as certified copies of other public records.

Section 16. Subsection (4) of section 372.5717, Florida Statutes, is amended to read:

372.5717 Hunter safety course; requirements; penalty.—

(4) The commission shall issue a permanent hunter safety certification card to each person who successfully completes the hunter safety course. The commission shall maintain ~~permanent~~ records of hunter safety certification cards issued and shall establish procedures for replacing lost or destroyed cards.

Section 17. Subsection (2) of section 560.121, Florida Statutes, is amended to read:

560.121 Records; limited restrictions upon public access.—

(2) Examination reports, investigatory records, applications, and related information compiled by the department, or photographic copies thereof, shall be retained by the department for a period of at least *3* ~~10~~ years *from the date that the examination or investigation ceases to be active. Application records, and related information compiled by the department, or photographic copies thereof, shall be retained by the department for a period of at least 2 years from the date that the registration ceases to be active*.

Section 18. Subsection (6) of section 560.123, Florida Statutes, is amended to read:

560.123 Florida control of money laundering in the Money Transmitters' Code; reports of transactions involving currency or monetary instruments; when required; purpose; definitions; penalties; corpus delicti.—

(6) The department must retain a copy of all reports received under subsection (5) for a minimum of *3* ~~5~~ calendar years after receipt of the report. However, if a report or information contained in a report is known by the department to be the subject of an existing criminal proceeding, the report must be retained for a minimum of 10 calendar years from the date of receipt.

Section 19. Subsection (5) of section 560.129, Florida Statutes, is amended to read:

560.129 Confidentiality.—

(5) Examination reports, investigatory records, applications, and related information compiled by the department, or photographic copies thereof, shall be retained by the department for a period of at least *3* ~~10~~ years *from the date that the examination or investigation ceases to be active. Application records, and related information compiled by the department, or photographic copies thereof, shall be retained by the department for a period of at least 2 years from the date that the registration ceases to be active*.

Section 20. Subsection (3) of section 624.311, Florida Statutes, is amended to read:

624.311 Records; reproductions; destruction.—

(3) The department may photograph, microphotograph, or reproduce on film, *or maintain in an electronic recordkeeping system* ~~whereby each page will be reproduced in exact conformity with the original~~, all financial records, financial statements of domestic insurers, reports of business transacted in this state by foreign insurers and alien insurers, reports of examination of domestic insurers, and such other records and documents on file in its office as it may in its discretion select.

Section 21. Subsection (1) of section 624.312, Florida Statutes, is amended to read:

624.312 Reproductions and certified copies of records as evidence.—

(1) Photographs or microphotographs in the form of film or prints*, or other reproductions from an electronic recordkeeping system,* of documents and records made under s. 624.311(3), or made under former s. 624.311(3) before October 1, 1982, shall have the same force and effect as the originals thereof and shall be treated as originals for the purpose of their admissibility in evidence. Duly certified or authenticated reproductions of such photographs or microphotographs *or reproductions from an electronic recordkeeping system* shall be as admissible in evidence as the originals.

Section 22. Subsection (2) of section 633.527, Florida Statutes, is amended to read:

633.527 Records concerning applicant; extent of confidentiality.—

(2) All examination test questions, answer sheets, and grades shall be retained for a period of *2* ~~5~~ years from the date of the examination.

Section 23. Subsection (8) of section 655.50, Florida Statutes, is amended to read:

655.50 Florida Control of Money Laundering in Financial Institutions Act; reports of transactions involving currency or monetary instruments; when required; purpose; definitions; penalties.—

(8)~~(a) The department shall retain a copy of all reports received under subsection (4) for a minimum of 5 calendar years after receipt of the report. However, if a report or information contained in a report is known by the department to be the subject of an existing criminal proceeding, the report shall be retained for a minimum of 10 calendar years after receipt of the report.~~

(a)~~(b)~~ Each financial institution shall maintain for a minimum of 5 calendar years full and complete records of all financial transactions, including all records required by 31 C.F.R. parts 103.33 and 103.34.

(b)~~(c)~~ The financial institution shall retain a copy of all reports filed with the department under subsection (4) for a minimum of 5 calendar years after submission of the report. ~~However, if a report or information contained in a report is known by the financial institution to be the subject of an existing criminal proceeding, the report shall be retained for a minimum of 10 calendar years after submission of the report.~~

(c)~~(d)~~ The financial institution shall retain a copy of all records of exemption for each designation of exempt person made pursuant to subsection (6) for a minimum of 5 calendar years after termination of exempt status of such customer. ~~However, if it is known by the financial institution that the customer or the transactions of the customer are the subject of an existing criminal proceeding, the records shall be retained for a minimum of 10 calendar years after termination of exempt status of such customer.~~

Section 24. Section 945.25, Florida Statutes, is amended to read:

945.25 Records.—

(1) It shall be the duty of the Department of Corrections to obtain and place in its ~~permanent~~ records information as complete as *practicable* ~~may be practicably available~~ on every person who may *be sentenced to supervision or incarceration under the jurisdiction of the department* ~~become subject to parole~~. Such information shall be obtained as soon as possible after imposition of sentence and shall, in the discretion of the department, include, among other things:

(a) A copy of the indictment or information and a complete statement of the facts of the crime for which such person has been sentenced.

(b) The court in which the person was sentenced.

(c) The terms of the sentence.

(d) The name of the presiding judge, the prosecuting officers, the investigating officers, and the attorneys for the person convicted.

(e) A copy of all probation reports which may have been made.

(f) Any social, physical, mental, psychiatric, or criminal record of such person.

~~(2) The department, in its discretion, shall also obtain and place in its permanent records such information on every person who may be placed on probation, and on every person who may become subject to pardon and commutation of sentence.~~

(2)~~(3)~~ It shall be the duty of the court and its prosecuting officials to furnish to the department upon its request such information and also to furnish such copies of such minutes and other records as may be in their possession or under their control.

(3)~~(4)~~ Following the initial hearing provided for in s. 947.172(1), the commission shall prepare and the department shall include in the official record a copy of the seriousness-of-offense and favorable-parole-outcome scores and shall include a listing of the specific factors and information used in establishing a presumptive parole release date for the inmate.

Section 25. Paragraph (e) of subsection (4) of section 985.31, Florida Statutes, is amended to read:

985.31 Serious or habitual juvenile offender.—

(4) ASSESSMENTS, TESTING, RECORDS, AND INFORMATION.—

(e) The results of any serologic blood or urine test on a serious or habitual juvenile offender shall become a part of that child's ~~permanent~~ medical file. Upon transfer of the child to any other designated treatment facility, such file shall be transferred in an envelope marked confidential. The results of any test designed to identify the human immunodeficiency virus, or its antigen or antibody, shall be accessible only to persons designated by rule of the department. The provisions of such rule shall be consistent with the guidelines established by the Centers for Disease Control and Prevention.

Section 26. *Paragraph (d) of subsection (6) of section 212.095, Florida Statutes, is repealed.*

Section 27. *Subsection (9) of section 238.03, Florida Statutes, is repealed.*

Section 28. *Section 591.34, Florida Statutes, is repealed.*

Section 29. Paragraph (a) of subsection (5) of section 15.09, Florida Statutes, is amended to read:

15.09 Fees.—

(5)(a) There is created within the Department of State a Public Access Data Systems Trust Fund, which shall be used by the department to purchase information systems and equipment that

provide greater public accessibility to the information and records maintained by it. Notwithstanding any other provision of law, the Divisions of Licensing, Elections, and Corporations of the department shall transfer each fiscal year to the Public Access Data Systems Trust Fund from their respective trust funds:

1. An amount equal to 2 percent of all revenues received for the processing of documents, filings, or information requests.

2. All public access network revenues collected pursuant to s. 15.16 or s. *119.01(2)(f)* ~~119.085~~.

Section 30. Paragraph (f) of subsection (1) of section 23.22, Florida Statutes, is amended to read:

23.22 Paperwork reduction; activities of departments.—

(1) In order to reduce the amount of paperwork associated with the collection of information from individuals, private-sector organizations, and local governments and to provide more efficient and effective assistance to such individuals and organizations in completing necessary paperwork required by the government, each department head shall, to the extent feasible:

(f) Collaborate with the Division of Library and Information Services, pursuant to s. *119.021(2)(d)* ~~119.09~~, to identify and index records retention requirements placed on private-sector organizations and local governments in Florida, clarify and reduce the requirements, and educate the affected entities through various communications media, including voice, data, video, radio, and image.

Section 31. Subsection (2) of section 27.151, Florida Statutes, is amended to read:

27.151 Confidentiality of specified executive orders; criteria.—

(2) *The Governor shall consider the purposes specified in s. 119.15 and shall consider the provisions of s. 24, Art. I of the State Constitution when making* ~~The Governor shall base his or her decision to make~~ an executive order confidential ~~on the criteria set forth in s. 119.14~~.

Section 32. Paragraph (d) of subsection (1) of section 101.5607, Florida Statutes, is amended to read:

101.5607 Department of State to maintain voting system information; prepare software.—

(1)

(d) Section 119.07*(6)*~~(3)~~(o) applies to all software on file with the Department of State.

Section 33. Paragraph (b) of subsection (2) of section 112.533, Florida Statutes, is amended to read:

112.533 Receipt and processing of complaints.—

(2)

(b) This subsection does not apply to any public record which is exempt from public disclosure pursuant to s. 119.07*(6)*~~(3)~~. For the purposes of this subsection, an investigation shall be considered active as long as it is continuing with a reasonable, good faith anticipation that an administrative finding will be made in the foreseeable future. An investigation shall be presumed to be inactive if no finding is made within 45 days after the complaint is filed.

Section 34. Paragraph (e) of subsection (2) of section 231.291, Florida Statutes, is amended to read:

231.291 Personnel files.—Public school system employee personnel files shall be maintained according to the following provisions:

(2)

(e) Upon request, an employee, or any person designated in writing by the employee, shall be permitted to examine the personnel file of such employee. The employee shall be permitted conveniently to reproduce any materials in the file, at a cost no greater than the fees prescribed in s. 119.07*(4)*~~(1)~~.

Section 35. Subsection (1) of section 257.34, Florida Statutes, is amended to read:

257.34 Florida International Archive and Repository.—

(1) There is created within the Division of Library and Information Services of the Department of State the Florida International Archive and Repository for the preservation of those public records, as defined in s. 119.011*(11)*~~(1)~~, manuscripts, international judgments involving disputes between domestic and foreign businesses, and all other public matters that the department or the Florida Council of International Development deems relevant to international issues. It is the duty and responsibility of the division to:

(a) Organize and administer the Florida International Archive and Repository.

(b) Preserve and administer records that are transferred to its custody; accept, arrange, and preserve them, according to approved archival and repository practices; and permit them, at reasonable times and under the supervision of the division, to be inspected, examined, and copied. All public records transferred to the custody of the division are subject to the provisions of s. 119.07(1).

(c) Assist the records and information management program in the determination of retention values for records.

(d) Cooperate with and assist, insofar as practicable, state institutions, departments, agencies, counties, municipalities, and individuals engaged in internationally related activities.

(e) Provide a public research room where, under rules established by the division, the materials in the international archive and repository may be studied.

(f) Conduct, promote, and encourage research in international trade, government, and culture and maintain a program of information, assistance, coordination, and guidance for public officials, educational institutions, libraries, the scholarly community, and the general public engaged in such research.

(g) Cooperate with and, insofar as practicable, assist agencies, libraries, institutions, and individuals in projects concerned with internationally related issues and preserve original materials relating to internationally related issues.

(h) Assist and cooperate with the records and information management program in the training and information program described in s. 257.36(1)(g).

Section 36. Subsection (1) of section 257.35, Florida Statutes, is amended to read:

257.35 Florida State Archives.—

(1) There is created within the Division of Library and Information Services of the Department of State the Florida State Archives for the preservation of those public records, as defined in s. 119.011*(11)*~~(1)~~, manuscripts, and other archival material that have been determined by the division to have sufficient historical or other value to warrant their continued preservation and have been accepted by the division for deposit in its custody. It is the duty and responsibility of the division to:

(a) Organize and administer the Florida State Archives.

(b) Preserve and administer such records as shall be transferred to its custody; accept, arrange, and preserve them, according to approved archival practices; and permit them, at reasonable times and under the supervision of the division, to be inspected, examined, and copied. All public records transferred to the custody of the division shall be subject to the provisions of s. 119.07(1), except that any public record or other record provided by law to be confidential or prohibited from inspection by the public shall be made accessible only after a period of 50 years from the date of the creation of the record. Any nonpublic manuscript or other archival material which is placed in the keeping of the division under special terms and conditions, shall be made accessible only in accordance with such law terms and conditions and shall be exempt from the provisions of s. 119.07(1) to the extent necessary to meet the

terms and conditions for a nonpublic manuscript or other archival material.

(c) Assist the records and information management program in the determination of retention values for records.

(d) Cooperate with and assist insofar as practicable state institutions, departments, agencies, counties, municipalities, and individuals engaged in activities in the field of state archives, manuscripts, and history and accept from any person any paper, book, record, or similar material which in the judgment of the division warrants preservation in the state archives.

(e) Provide a public research room where, under rules established by the division, the materials in the state archives may be studied.

(f) Conduct, promote, and encourage research in Florida history, government, and culture and maintain a program of information, assistance, coordination, and guidance for public officials, educational institutions, libraries, the scholarly community, and the general public engaged in such research.

(g) Cooperate with and, insofar as practicable, assist agencies, libraries, institutions, and individuals in projects designed to preserve original source materials relating to Florida history, government, and culture and prepare and publish handbooks, guides, indexes, and other literature directed toward encouraging the preservation and use of the state's documentary resources.

(h) Encourage and initiate efforts to preserve, collect, process, transcribe, index, and research the oral history of Florida government.

(i) Assist and cooperate with the records and information management program in the training and information program described in s. 257.36(1)(g).

Section 37. Section 282.21, Florida Statutes, is amended to read:

282.21 The State Technology Office's electronic access services.—The State Technology Office may collect fees for providing remote electronic access pursuant to s. *119.01(2)(f)* ~~119.085~~. The fees may be imposed on individual transactions or as a fixed subscription for a designated period of time. All fees collected under this section shall be deposited in the appropriate trust fund of the program or activity that made the remote electronic access available.

Section 38. Paragraph (h) of subsection (2) of section 287.0943, Florida Statutes, is amended to read:

287.0943 Certification of minority business enterprises.—

(2)

(h) The certification procedures should allow an applicant seeking certification to designate on the application form the information the applicant considers to be proprietary, confidential business information. As used in this paragraph, "proprietary, confidential business information" includes, but is not limited to, any information that would be exempt from public inspection pursuant to the provisions of s. 119.07*(6)*~~(3)~~; trade secrets; internal auditing controls and reports; contract costs; or other information the disclosure of which would injure the affected party in the marketplace or otherwise violate s. 286.041. The executor in receipt of the application shall issue written and final notice of any information for which noninspection is requested but not provided for by law.

Section 39. Subsection (1) of section 320.05, Florida Statutes, is amended to read:

320.05 Records of the department; inspection procedure; lists and searches; fees.—

(1) Except as provided in s. 119.07*(6)*~~(3)~~, the department may release records as provided in this section.

Section 40. Subsection (8) of section 322.20, Florida Statutes, is amended to read:

322.20 Records of the department; fees; destruction of records.—

(8) Except as provided in s. 119.07*(6)*~~(3)~~, the department may release records as provided in this section.

Section 41. Paragraph (b) of subsection (2) of section 338.223, Florida Statutes, is amended to read:

338.223 Proposed turnpike projects.—

(2)

(b) In accordance with the legislative intent expressed in s. 337.273, and after the requirements of paragraph (1)(c) have been met, the department may acquire lands and property before making a final determination of the economic feasibility of a project. The requirements of paragraph (1)(c) do not apply to hardship and protective purchases of advance right-of-way by the department. The cost of advance acquisition of right-of-way may be paid from bonds issued under s. 337.276 or from turnpike revenues. For purposes of this paragraph, the term "hardship purchase" means purchase from a property owner of a residential dwelling of not more than four units who is at a disadvantage due to health impairment, job loss, or significant loss of rental income. For purposes of this paragraph, the term "protective purchase" means that a purchase to limit development, building, or other intensification of land uses within the area right-of-way is needed for transportation facilities. The department shall give written notice to the Department of Environmental Protection 30 days before final agency acceptance as set forth in s. 119.07*(6)*~~(3)~~(n), which notice shall allow the Department of Environmental Protection to comment. Hardship and protective purchases of right-of-way shall not influence the environmental feasibility of a project, including the decision relative to the need to construct the project or the selection of a specific location. Costs to acquire and dispose of property acquired as hardship and protective purchases are considered costs of doing business for the department and are not to be considered in the determination of environmental feasibility for the project.

Section 42. Paragraph (a) of subsection (1) of section 378.406, Florida Statutes, is amended to read:

378.406 Confidentiality of records; availability of information.—

(1)(a) Any information relating to prospecting, rock grades, or secret processes or methods of operation which may be required, ascertained, or discovered by inspection or investigation shall be exempt from the provisions of s. 119.07(1), shall not be disclosed in public hearings, and shall be kept confidential by any member, officer, or employee of the department, if the applicant requests the department to keep such information confidential and informs the department of the basis for such confidentiality. Should the secretary determine that such information requested to be kept confidential shall not be kept confidential, the secretary shall provide the operator with not less than 30 days' notice of his or her intent to release the information. When making his or her determination, the secretary shall consider the public purposes specified in s. *119.15(4)(b)* ~~119.14(4)(b)~~.

Section 43. Paragraph (c) of subsection (5) of section 399.02, Florida Statutes, is amended to read:

399.02 General requirements.—

(5)

(c) The elevator owner shall report to the department 60 days before the expiration of the certificate of operation whether there exists a service maintenance contract, with whom the contract exists, and the details concerning the provisions and implementation of the contract which the department requires. ~~The department shall keep the names of companies with whom the contract exists confidential pursuant to the public records exemption provided in s. 119.14(4)(b)3.~~ This annual contract report must be made on forms supplied by the department. The elevator owner must report any material change in the service maintenance contract no fewer than 30 days before the effective date of the change. The department shall determine whether the provisions of the service maintenance contract and its implementation ensure the safe operation of the elevator.

Section 44. Paragraph (c) of subsection (1) of section 400.0077, Florida Statutes, is amended to read:

400.0077 Confidentiality.—

(1) The following are confidential and exempt from the provisions of s. 119.07(1):

(c) Any other information about a complaint, including any problem identified by an ombudsman council as a result of an investigation, unless an ombudsman council determines that the information does not meet any of the criteria specified in s. *119.15(4)(b)* ~~119.14(4)(b); or~~ unless the information is to collect data for submission to those entities specified in s. 712(c) of the federal Older Americans Act for the purpose of identifying and resolving significant problems.

Section 45. Subsection (5) of section 401.27, Florida Statutes, is amended to read:

401.27 Personnel; standards and certification.—

(5) The certification examination must be offered monthly. The department shall issue an examination admission notice to the applicant advising him or her of the time and place of the examination for which he or she is scheduled. Individuals achieving a passing score on the certification examination may be issued a temporary certificate with their examination grade report. The department must issue an original certification within 45 days after the examination. Examination questions and answers are not subject to discovery but may be introduced into evidence and considered only in camera in any administrative proceeding under chapter 120. If an administrative hearing is held, the department shall provide challenged examination questions and answers to the administrative law judge. The department shall establish by rule the procedure by which an applicant, and the applicant's attorney, may review examination questions and answers in accordance with s. 119.07*(6)*~~(3)~~(a).

Section 46. Subsection (1) of section 403.111, Florida Statutes, is amended to read:

403.111 Confidential records.—

(1) Any information, other than effluent data and those records described in 42 U.S.C. s. 7661a(b)(8), relating to secret processes or secret methods of manufacture or production, or relating to costs of production, profits, or other financial information which is otherwise not public record, which may be required, ascertained, or discovered by inspection or investigation shall be exempt from the provisions of s. 119.07(1), shall not be disclosed in public hearings, and shall be kept confidential by any member, officer, or employee of the department, upon a showing satisfactory to the department that the information should be kept confidential. The person from whom the information is obtained must request that the department keep such information confidential and must inform the department of the basis for the claim of confidentiality. The department shall, subject to notice and opportunity for hearing, determine whether the information requested to be kept confidential should or should not be kept confidential. The department shall determine whether the information submitted should be kept confidential pursuant to the public purpose test as stated in s. *119.15(4)(b)3.* ~~119.14(4)(b)3~~.

Section 47. Section 409.2577, Florida Statutes, is amended to read:

409.2577 Parent locator service.—The department shall establish a parent locator service to assist in locating parents who have deserted their children and other persons liable for support of dependent children. The department shall use all sources of information available, including the Federal Parent Locator Service, and may request and shall receive information from the records of any person or the state or any of its political subdivisions or any officer thereof. Any agency as defined in s. 120.52, any political subdivision, and any other person shall, upon request, provide the department any information relating to location, salary, insurance, social security, income tax, and employment history necessary to locate parents who owe or potentially owe a duty of support pursuant to Title IV-D of the Social Security Act. This provision shall expressly take precedence over any other statutory nondisclosure provision which limits the ability of an agency to disclose such information, except that law enforcement information as provided in s. 119.07*(6)*~~(3)~~(i) is not required to be disclosed, and except that confidential taxpayer information possessed by the Department of Revenue shall be disclosed only to the extent authorized in s. 213.053(15). Nothing in this section requires the disclosure of information if such disclosure is prohibited by federal law. Information gathered or used by the parent locator service is confidential and exempt from the provisions of s. 119.07(1). Additionally, the department is authorized to collect any additional information directly bearing on the identity and whereabouts of a person owing or asserted to be owing an obligation of support for a dependent child. The department shall, upon request, make information available only to public officials and agencies of this state; political subdivisions of this state, including any agency thereof providing child support enforcement services to non-Title IV-D clients; the custodial parent, legal guardian, attorney, or agent of the child; and other states seeking to locate parents who have deserted their children and other persons liable for support of dependents, for the sole purpose of establishing, modifying, or enforcing their liability for support, and shall make such information available to the Department of Children and Family Services for the purpose of diligent search activities pursuant to chapter 39. If the department has reasonable evidence of domestic violence or child abuse and the disclosure of information could be harmful to the custodial parent or the child of such parent, the child support program director or designee shall notify the Department of Children and Family Services and the Secretary of the United States Department of Health and Human Services of this evidence. Such evidence is sufficient grounds for the department to disapprove an application for location services.

Section 48. Subsection (6) of section 455.219, Florida Statutes, is amended to read:

455.219 Fees; receipts; disposition; periodic management reports.—

(6) The department or the appropriate board shall charge a fee not to exceed $25 for the certification of a public record. The fee shall be determined by rule of the department. The department or the appropriate board shall assess a fee for duplication of a public record as provided in s. 119.07*(4)*~~(1)(a) and (b)~~.

Section 49. Subsection (11) of section 456.025, Florida Statutes, is amended to read:

456.025 Fees; receipts; disposition.—

(11) The department or the appropriate board shall charge a fee not to exceed $25 for the certification of a public record. The fee shall be determined by rule of the department. The department or the appropriate board shall assess a fee for duplicating a public record as provided in s. 119.07*(4)*~~(1)(a) and (b)~~.

Section 50. Paragraph (l) of subsection (3) of section 627.311, Florida Statutes, is amended to read:

627.311 Joint underwriters and joint reinsurers.—

(3) The department may, after consultation with insurers licensed to write automobile insurance in this state, approve a joint underwriting plan for purposes of equitable apportionment or sharing among insurers of automobile liability insurance and other motor vehicle insurance, as an alternate to the plan required in s. 627.351(1). All insurers authorized to write automobile insurance in this state shall subscribe to the plan and participate therein. The plan shall be subject to continuous review by the department which may at any time disapprove the entire plan or any part thereof if it determines that conditions have changed since prior approval and that in view of the purposes of the plan changes are warranted. Any disapproval by the department shall be subject to the provisions of chapter 120. If adopted, the plan and the association created under the plan:

(l)1. Shall be subject to the public records requirements of chapter 119 and the public meeting requirements of s. 286.011. However, the following records of the Florida Automobile Joint Underwriting Association are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution:

a. Underwriting files, except that a policyholder or an applicant shall have access to his or her own underwriting files.

b. Claims files, until termination of all litigation and settlement of all claims arising out of the same incident, although portions of the claims files may remain exempt, as otherwise provided by law. Confidential and exempt claims file records may be released to other governmental agencies upon written request and demonstration of need; such records held by the receiving agency remain confidential and exempt as provided by this paragraph.

c. Records obtained or generated by an internal auditor pursuant to a routine audit, until the audit is completed or, if the audit is conducted as part of an investigation, until the investigation is closed or ceases to be active. An investigation is considered "active" while the investigation is being conducted with a reasonable, good faith belief that it could lead to the filing of administrative, civil, or criminal proceedings.

d. Matters reasonably encompassed in privileged attorney-client communications.

e. Proprietary information licensed to the association under contract when the contract provides for the confidentiality of such proprietary information.

f. All information relating to the medical condition or medical status of an association employee which is not relevant to the employee's capacity to perform his or her duties, except as otherwise provided in this paragraph. Information which is exempt shall include, but is not limited to, information relating to workers' compensation, insurance benefits, and retirement or disability benefits.

g. All records relative to an employee's participation in an employee assistance program designed to assist any employee who has a behavioral or medical disorder, substance abuse problem, or emotional difficulty which affects the employee's job performance, except as otherwise provided in s. 112.0455(11).

h. Information relating to negotiations for financing, reinsurance, depopulation, or contractual services, until the conclusion of the negotiations.

i. Minutes of closed meetings regarding underwriting files, and minutes of closed meetings regarding an open claims file until termination of all litigation and settlement of all claims with regard to that claim, except that information otherwise confidential or exempt by law must be redacted.

When an authorized insurer is considering underwriting a risk insured by the association, relevant underwriting files and confidential claims files may be released to the insurer provided the insurer agrees in writing, notarized and under oath, to maintain the confidentiality of such files. When a file is transferred to an insurer, that file is no longer a public record because it is not held by an agency subject to the provisions of the public records law. The association may make the following information obtained from underwriting files and confidential claims files available to licensed general lines insurance agents: name, address, and telephone number of the automobile owner or insured; location of the risk; rating information; loss history; and policy type. The receiving licensed general lines insurance agent must retain the confidentiality of the information received.

2. Portions of meetings of the Florida Automobile Joint Underwriting Association during which confidential underwriting files or confidential open claims files are discussed are exempt from the provisions of s. 286.011 and s. 24(b), Art. I of the State Constitution. All portions of association meetings which are closed to the public shall be recorded by a court reporter. The court reporter shall record the times of commencement and termination of the meeting, all discussion and proceedings, the names of all persons present at any time, and the names of all persons speaking. No portion of any closed meeting shall be off the record. Subject to the provisions of this paragraph and s. 119.07*(1)(b)-(d)*~~(2)(a)~~, the court reporter's notes of any closed meeting shall be retained by the association for a minimum of 5 years. A copy of the transcript, less any exempt matters, of any closed meeting during which claims are discussed shall become public as to individual claims after settlement of the claim.

This paragraph is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, and shall stand repealed on October 2, 2003, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 51. Paragraph (n) of subsection (6) of section 627.351, Florida Statutes, is amended to read:

627.351 Insurance risk apportionment plans.—

(6) RESIDENTIAL PROPERTY AND CASUALTY JOINT UNDERWRITING ASSOCIATION.—

(n)1. The following records of the Residential Property and Casualty Joint Underwriting Association are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution:

a. Underwriting files, except that a policyholder or an applicant shall have access to his or her own underwriting files.

b. Claims files, until termination of all litigation and settlement of all claims arising out of the same incident, although portions of the claims files may remain exempt, as otherwise provided by law. Confidential and exempt claims file records may be released to other governmental agencies upon written request and demonstration of need; such records held by the receiving agency remain confidential and exempt as provided for herein.

c. Records obtained or generated by an internal auditor pursuant to a routine audit, until the audit is completed, or if the audit is conducted as part of an investigation, until the investigation is closed or ceases to be active. An investigation is considered "active" while the investigation is being conducted with a reasonable, good faith belief that it could lead to the filing of administrative, civil, or criminal proceedings.

d. Matters reasonably encompassed in privileged attorney-client communications.

e. Proprietary information licensed to the association under contract and the contract provides for the confidentiality of such proprietary information.

f. All information relating to the medical condition or medical status of an association employee which is not relevant to the employee's capacity to perform his or her duties, except as otherwise provided in this paragraph. Information which is exempt shall include, but is not limited to, information relating to workers' compensation, insurance benefits, and retirement or disability benefits.

g. Upon an employee's entrance into the employee assistance program, a program to assist any employee who has a behavioral or medical disorder, substance abuse problem, or emotional difficulty which affects the employee's job performance, all records relative to that participation shall be confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution, except as otherwise provided in s. 112.0455(11).

h. Information relating to negotiations for financing, reinsurance, depopulation, or contractual services, until the conclusion of the negotiations.

i. Minutes of closed meetings regarding underwriting files, and minutes of closed meetings regarding an open claims file until termination of all litigation and settlement of all claims with regard to that claim, except that information otherwise confidential or exempt by law will be redacted.

When an authorized insurer is considering underwriting a risk insured by the association, relevant underwriting files and confidential claims files may be released to the insurer provided the insurer agrees in writing, notarized and under oath, to maintain the confidentiality of such files. When a file is transferred to an insurer that file is no longer a public record because it is not held by an agency subject to the provisions of the public records law. Underwriting files and confidential claims files may also be released to staff of and the board of governors of the market assistance plan established pursuant to s. 627.3515, who must retain the confidentiality of such files, except such files may be

released to authorized insurers that are considering assuming the risks to which the files apply, provided the insurer agrees in writing, notarized and under oath, to maintain the confidentiality of such files. Finally, the association or the board or staff of the market assistance plan may make the following information obtained from underwriting files and confidential claims files available to licensed general lines insurance agents: name, address, and telephone number of the residential property owner or insured; location of the risk; rating information; loss history; and policy type. The receiving licensed general lines insurance agent must retain the confidentiality of the information received.

2. Portions of meetings of the Residential Property and Casualty Joint Underwriting Association are exempt from the provisions of s. 286.011 and s. 24(b), Art. I of the State Constitution wherein confidential underwriting files or confidential open claims files are discussed. All portions of association meetings which are closed to the public shall be recorded by a court reporter. The court reporter shall record the times of commencement and termination of the meeting, all discussion and proceedings, the names of all persons present at any time, and the names of all persons speaking. No portion of any closed meeting shall be off the record. Subject to the provisions hereof and s. 119.07*(1)(b)-(d)*~~(2)(a)~~, the court reporter's notes of any closed meeting shall be retained by the association for a minimum of 5 years. A copy of the transcript, less any exempt matters, of any closed meeting wherein claims are discussed shall become public as to individual claims after settlement of the claim.

Section 52. Subsection (1) of section 633.527, Florida Statutes, is amended to read:

633.527 Records concerning applicant; extent of confidentiality.—

(1) Test material is made confidential by s. 119.07*(6)*~~(3)~~(a). An applicant may waive in writing the confidentiality of his or her examination answer sheet for the purpose of discussion with the State Fire Marshal or his or her staff.

Section 53. Section 655.0321, Florida Statutes, is amended to read:

655.0321 Restricted access to certain hearings, proceedings, and related documents.—The department shall consider the public purposes specified in s. *119.15(4)(b)* ~~119.14(4)(b)~~ *and the provisions of s. 24, Art. I of the State Constitution* in determining whether the hearings and proceedings conducted pursuant to s. 655.033 for the issuance of cease and desist orders and s. 655.037 for the issuance of suspension or removal orders shall be closed and exempt from the provisions of s. 286.011, and whether related documents shall be confidential and exempt from the provisions of s. 119.07(1).

Section 54. Paragraph (m) of subsection (2) of section 668.50, Florida Statutes, is amended to read:

668.50 Uniform Electronic Transaction Act.—

(2) DEFINITIONS.—As used in this section:

(m) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form, including public records as defined in s. 119.011*(11)*~~(1)~~.

Section 55. Subsection (1) of section 794.024, Florida Statutes, is amended to read:

794.024 Unlawful to disclose identifying information.—

(1) A public employee or officer who has access to the photograph, name, or address of a person who is alleged to be the victim of an offense described in this chapter, chapter 800, s. 827.03, s. 827.04, or s. 827.071 may not willfully and knowingly disclose it to a person who is not assisting in the investigation or prosecution of the alleged offense or to any person other than the defendant, the defendant's attorney, or a person specified in an order entered by the court having jurisdiction of the alleged offense, or to organizations authorized to receive such information pursuant to s. 119.07*(6)*~~(3)~~(f).

Section 56. For the purpose of incorporating the amendments to section 945.25, Florida Statutes, in a reference thereto, paragraph (a) of subsection (2) of section 947.13, Florida Statutes, is reenacted to read:

947.13 Powers and duties of commission.—

(2)(a) The commission shall immediately examine records of the department under s. 945.25, and any other records which it obtains, and may make such other investigations as may be necessary.

Section 57. *The Records Management Center of the Department of State in Tallahassee, Florida, is designated as the "James C. 'Jim' Smith Records Management Center."*

Section 58. *Subsection (6) of section 15.16, Florida Statutes, is repealed.*

Section 59. This act shall take effect July 1, 2002.

And the title is amended as follows:
remove: the entire title

and insert: A bill to be entitled An act relating to public records; amending s. 18.20, F.S.; removing photographic film reproductions of specified vouchers or checks paid by the State Treasurer and preserved as records of the office of the Treasurer from classification as permanent records; amending s. 119.01, F.S.; establishing state policy with respect to public records; requiring governmental agencies to consider certain factors in designing or acquiring electronic recordkeeping systems; providing certain restrictions with respect to electronic recordkeeping systems and proprietary software; requiring governmental agencies to provide copies of public records stored in electronic recordkeeping systems; authorizing agencies to charge a fee for such copies; specifying circumstances under which the financial, business, and membership records of an organization are public records; amending s. 119.011, F.S.; providing definitions; repealing ss. 119.0115, 119.012, and 119.02, F.S., relating to specified exemption for certain videotapes and video signals, records made public by the use of public funds, and penalties for violation of public records requirements by a public officer; amending s. 119.021, F.S.; providing requirements for governmental agencies in maintaining and preserving public records; requiring the Division of Library and Information Services of the Department of State to adopt rules for retaining and disposing of public records; authorizing the division to provide for archiving certain noncurrent records; providing for the destruction of certain records and the continued maintenance of certain records; providing for the disposition of records at the end of an official's term of office; requiring that a custodian of public records demand delivery of records held unlawfully; repealing ss. 119.031, 119.041, 119.05, and 119.06, F.S., relating to the retention and disposal of public records and the delivery of records held unlawfully; amending s. 119.07, F.S.; revising provisions governing the inspection and copying of public records; establishing fees for copying; providing requirements for making photographs; authorizing additional means of copying; repealing ss. 119.08 and 119.083, F.S., relating to requirements for making photographs of public records and the licensing and sale of copyrighted data processing software by an agency; amending s. 119.084, F.S.; deleting certain provisions governing the maintenance of public records in an electronic recordkeeping system; repealing ss. 119.085 and 119.09, F.S., relating to remote electronic access to public records and the program for records and information management of the Department of State; amending s. 119.10, F.S.; clarifying provisions with respect to penalties for violations of ch. 119, F.S.; amending s. 119.105, F.S.; clarifying provisions under which certain police reports may be exempt from the public records law; amending s. 120.55, F.S.; revising language with respect to publication of the Florida Administrative Code to provide that the Department of State is required to compile and publish the code through a continuous revision system; amending s. 257.36, F.S.; providing procedure with respect to official custody of records upon transfer of duties or responsibilities between state agencies or dissolution of a state agency; amending s. 328.15, F.S.; revising the classification of records of notices and satisfaction of liens on vessels maintained by the Department of Highway Safety and Motor Vehicles; amending s. 372.5717, F.S.; revising the classification of records of hunter safety certification cards maintained by the Fish and Wildlife Conservation Commission; amending s. 560.121, F.S.;

decreasing and qualifying the period of retention for examination reports, investigatory records, applications, application records, and related information compiled by the Department of Banking and Finance under the Money Transmitters' Code; amending s. 560.123, F.S.; decreasing the period of retention for specified reports filed by money transmitters with the Department of Banking and Finance under the Money Transmitters' Code; amending s. 560.129, F.S.; decreasing and qualifying the period of retention for examination reports, investigatory records, applications, application records, and related information compiled by the Department of Banking and Finance under the Money Transmitters' Code; amending s. 624.311, F.S.; authorizing the Department of Insurance to maintain an electronic recordkeeping system for specified records, statements, reports, and documents; eliminating a standard for the reproduction of such records, statements, reports, and documents; amending s. 624.312, F.S.; providing that reproductions from an electronic recordkeeping system of specified documents and records of the Department of Insurance shall be treated as originals for the purpose of their admissibility in evidence; amending s. 633.527, F.S.; decreasing the period of retention for specified examination test questions, answer sheets, and grades in the possession of the Division of State Fire Marshal of the Department of Insurance; amending s. 655.50, F.S.; revising requirements of the Department of Banking and Finance with respect to retention of copies of specified reports and records of exemption submitted or filed by financial institutions under the Florida Control of Money Laundering in Financial Institutions Act; amending s. 945.25, F.S.; requiring the Department of Corrections to obtain and place in its records specified information on every person who may be sentenced to supervision or incarceration under the jurisdiction of the department; eliminating a requirement of the department, in its discretion, to obtain and place in its permanent records specified information on persons placed on probation and on persons who may become subject to pardon and commutation of sentence; amending s. 985.31, F.S.; revising the classification of specified medical files of serious or habitual juvenile offenders; repealing s. 212.095(6)(d), F.S., which requires the Department of Revenue to keep a permanent record of the amounts of refunds claimed and paid under ch. 212, F.S., and which requires that such records shall be open to public inspection; repealing s. 238.03(9), F.S., relating to the authority of the Department of Management Services to photograph and reduce to microfilm as a permanent record its ledger sheets showing the salaries and contributions of members of the Teachers' Retirement System of Florida, the records of deceased members of the system, and the authority to destroy the documents from which such films derive; repealing s. 591.34, F.S.; eliminating a procedure by which permission may be obtained from the Department of Agriculture and Consumer Services to cut seed trees; amending s. 27.151, F.S.; expanding considerations of the Governor in making an executive order confidential; correcting a cross reference; amending s. 399.02, F.S.; eliminating a confidentiality requirement of the Department of Business and Professional Regulation with respect to the names of companies under contract to provide elevator service maintenance; amending s. 655.0321, F.S.; expanding considerations of the Department of Banking and Finance in determining whether specified hearings and proceedings and documents related thereto shall be exempt from public records and meetings requirements; correcting a cross reference; amending ss. 15.09, 23.22, 101.5607, 112.533, 231.291, 257.34, 257.35, 282.21, 287.0943, 320.05, 322.20, 338.223, 378.406, 400.0077, 401.27, 403.111, 409.2577, 455.219, 456.025, 627.311, 627.351, 633.527, 668.50, and 794.024, F.S.; conforming cross references; reenacting s. 947.13(2)(a), F.S., relating to the duty of the Parole Commission to examine specified records, to incorporate the amendment to s. 945.25, F.S., in a reference thereto; designating the Records Management Center of the Department of State as the "James C. 'Jim' Smith Records Center"; repealing s. 15.16(6), F.S., which authorizes the Department of State to waive the requirement that a person advertise the intention to register a fictitious name if the department indexes the fictitious name registration in a central database available to the public on the Internet; providing an effective date.

Rep. Trovillion moved the adoption of the amendment.

Further consideration of **Amendment 1** was temporarily postponed under Rule 11.10.

Further consideration of **SB 274**, with pending amendment, was temporarily postponed under Rule 11.10.

CS/HB 787—A bill to be entitled An act relating to limited liability companies; amending s. 608.401, F.S.; conforming a cross-reference to changes made by the act; amending s. 608.402, F.S.; revising definitions; amending s. 608.404, F.S.; authorizing a limited liability company to select managing members; amending s. 608.407, F.S.; revising requirements of the articles of organization for a company managed by one or more managers; amending s. 608.408, F.S.; providing requirements for executing articles of organization; amending s. 608.4081, F.S.; providing for filing a document with the Department of State; amending s. 608.409, F.S.; prohibiting the transaction of business or incurrence of debt until the effective date of the company's existence; amending s. 608.4101, F.S.; providing additional requirements with respect to recordkeeping; amending s. 608.411, F.S.; providing for amendments to or restatements of articles of organization; amending s. 608.422, F.S.; providing requirements for a member-managed company; providing for appointing a proxy; amending s. 608.4225, F.S.; providing standards for managers and managing members; amending s. 608.4226, F.S.; providing for validity of contracts and other transactions notwithstanding certain conflicts of interest; amending s. 608.4227, F.S.; providing for liability of managing members; amending s. 608.4228, F.S.; limiting the liability of managers and managing members; amending s. 608.4229, F.S.; providing for indemnification of members of a limited liability company; amending s. 608.423, F.S.; providing requirements for operating agreements by members of a limited liability company; amending s. 608.4231, F.S.; providing for voting by managing members; authorizing a vote by proxy; amending s. 608.4235, F.S.; authorizing a managing member to act as an agent of the limited liability company; amending s. 608.4238, F.S.; providing liability for unauthorized actions; amending s. 608.425, F.S.; providing for validity of certain instruments and documents; amending s. 608.428, F.S.; prohibiting certain distributions from a limited liability company; amending s. 608.432, F.S.; providing for assignment of a member's interest in a limited liability company; amending s. 608.438, F.S.; requiring that a plan of merger specify the managing members; amending s. 608.441, F.S.; providing for dissolution of a limited liability company; amending s. 608.444, F.S.; providing for distribution of assets upon dissolution; amending ss. 608.445, 608.446, F.S.; providing requirements for articles of dissolution and for filing the articles; amending s. 608.449, F.S.; providing grounds for judicial dissolution; amending s. 608.463, F.S.; providing for service of process; amending s. 608.504, F.S.; providing for an amended certificate of authority; amending s. 608.507, F.S.; revising requirements for the registered office of a domestic company; creating s. 608.704, F.S.; specifying the Legislature's power to amend or repeal ch. 608, F.S.; creating s. 608.705, F.S.; providing for the effect of the repeal of a prior act; providing an effective date.

—was read the second time by title.

Representative(s) Rubio offered the following:

(Amendment Bar Code: 834871)

Amendment 1 (with title amendment)—On page 16, line 18, through page 33, line 4,
remove: all of said lines

and insert: members*, managers, and managing members* of a limited liability company ~~nor the managers of a limited liability company managed by a manager or managing member~~ are *not* liable, solely by reason of being a member or serving as a manager or managing member, under a judgment, decree, or order of a court, or in any other manner, for a debt, obligation, or liability of the limited liability company;

(2) Any such member*, managing member,* ~~or~~ manager*,* or other person acting under the articles of organization or operating agreement of a limited liability company *is* ~~shall~~ not ~~be~~ liable to the limited liability company or to any such other member*, managing member,* or manager for the member's*, managing member's,* ~~or~~ manager's*,* or other person's good faith reliance on the provisions of the limited liability company's articles of organization or operating agreement; and

(3) The member's, *managing member's,* ~~or~~ manager's, or other person's duties and liabilities may be expanded or restricted by provisions in a limited liability company's articles of organization or operating agreement.

Section 14. Section 608.4228, Florida Statutes, is amended to read:

608.4228 *Limitation of* liability of managers and managing members.—

(1) A manager or a managing member shall not be personally liable for monetary damages to the limited liability company*, its members,* or any other person for any statement, vote, decision, or failure to act regarding management or policy decisions by a manager or a managing member, unless:

(a) The manager or managing member breached or failed to perform the duties as a manager or managing member; and

(b) The manager's or managing member's breach of, or failure to perform, those duties constitutes any of the following:

1. A violation of the criminal law, unless the manager or managing member had a reasonable cause to believe his or her conduct was lawful or had no reasonable cause to believe such conduct was unlawful. A judgment or other final adjudication against a manager or managing member in any criminal proceeding for a violation of the criminal law estops that manager or managing member from contesting the fact that such breach, or failure to perform, constitutes a violation of the criminal law, but does not estop the manager or managing member from establishing that he or she had reasonable cause to believe that his or her conduct was lawful or had no reasonable cause to believe that such conduct was unlawful.

2. A transaction from which the manager or managing member derived an improper personal benefit, either directly or indirectly.

3. A distribution in violation of s. 608.426.

4. In a proceeding by or in the right of the limited liability company to procure a judgment in its favor or by or in the right of a member, conscious disregard of the best interest of the limited liability company, or willful misconduct.

5. In a proceeding by or in the right of someone other than the limited liability company or a member, recklessness or an act or omission which was committed in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety, or property.

(2) For the purposes of this section, the term "recklessness" means acting, or failing to act, in conscious disregard of a risk known, or so obvious that it should have been known, to the manager or managing member, and known to the manager or managing member, or so obvious that it should have been known, to be so great as to make it highly probable that harm would follow from such action or failure to act.

(3) A manager or managing member is deemed not to have derived an improper personal benefit from any transaction if the transaction and the nature of any personal benefit derived by the manager or managing member are not prohibited by state or federal law or the articles of organization or operating agreement and, without further limitation, the transaction and the nature of any personal benefit derived by a manager or managing member are disclosed or known to the members, and the transaction was authorized, approved, or ratified by the vote of a majority-in-interest of the members other than the managing member, or the transaction was fair and reasonable to the limited liability company at the time it was authorized by the manager or managing member, notwithstanding that a manager or managing member received a personal benefit.

(4) The circumstances set forth in subsection (3) are not exclusive and do not preclude the existence of other circumstances under which a manager will be deemed not to have derived an improper benefit.

Section 15. Section 608.4229, Florida Statutes, is amended to read:

608.4229 Indemnification of *members,* managers, managing members, officers, employees, and agents.—

(1) Subject to such standards and restrictions, if any, as are set forth in its articles of organization or operating agreement, a limited liability company may, and shall have the power to, but shall not be required to, indemnify and hold harmless any member or manager or other person from and against any and all claims and demands whatsoever.

(2) Notwithstanding subsection (1), indemnification or advancement of expenses shall not be made to or on behalf of any *member,* manager, managing member, officer, employee, or agent if a judgment or other final adjudication establishes that the actions, or omissions to act, of such *member,* manager, managing member, officer, employee, or agent were material to the cause of action so adjudicated and constitute any of the following:

(a) A violation of criminal law, unless the *member,* manager, managing member, officer, employee, or agent had no reasonable cause to believe such conduct was unlawful.

(b) A transaction from which the *member,* manager, managing member, officer, employee, or agent derived an improper personal benefit.

(c) In the case of a manager or managing member, a circumstance under which the liability provisions of s. 608.426 are applicable.

(d) Willful misconduct or a conscious disregard for the best interests of the limited liability company in a proceeding by or in the right of the limited liability company to procure a judgment in its favor or in a proceeding by or in the right of a member.

Section 16. Subsections (1), (2), (3), and (6) of section 608.423, Florida Statutes, are amended to read:

608.423 Limited liability company operating agreement; nonwaivable provisions.—

(1) Except as otherwise provided in subsection (2), all members of a limited liability company may enter into an operating agreement, which need not be in writing, to regulate the affairs of the *limited liability* company and the conduct of its business, establish duties in addition to those set forth in this chapter, and to govern relations among the members, managers, and company. Any inconsistency between written and oral operating agreements shall be resolved in favor of the written agreement. *The members of a limited liability company may enter into an operating agreement before, after, or at the time the articles of organization are filed, and the operating agreement takes effect on the date of the formation of the limited liability company or on any other date provided in the operating agreement.* To the extent the operating agreement does not otherwise provide, this chapter governs relations among the members, managers, and *limited liability* company.

(2) The operating agreement may not:

(a) Unreasonably restrict a right to information or access to records under s. 608.4101;

(b) Eliminate the duty of loyalty under s. 608.4225, but the agreement may:

1. Identify specific types or categories of activities that do not violate the duty of loyalty, if not manifestly unreasonable; and

2. Specify the number or percentage of members or disinterested managers that may authorize or ratify, after full disclosure of all material facts, a specific act or transaction that otherwise would violate the duty of loyalty;

(c) Unreasonably reduce the duty of care under s. 608.4225;

(d) Eliminate the obligation of good faith and fair dealing under s. 608.4225, but the operating agreement may determine the standards by which the performance of the obligation is to be measured, if the standards are not manifestly unreasonable;

~~(e) Vary the right to expel a member in an event specified in this chapter;~~

(e)~~(f)~~ Vary the requirement to wind up the limited liability company's business in a case specified in this chapter; or

(f)~~(g)~~ Restrict rights of a person, other than a manager, member, or transferee of a member's distributional interest, under this chapter.

(3) The power to adopt, alter, amend, or repeal the operating agreement of a limited liability company shall be vested in the members of the *limited liability* company unless vested in the manager or managers of the *limited liability* company by the articles of organization or operating agreement, provided that any amendment to a written operating agreement shall be in writing. The operating agreement adopted by the members or by the manager or managers may be repealed or altered; a new operating agreement may be adopted by the members; and the members may prescribe in any operating agreement made by them that such operating agreement may not be altered, amended, or repealed by the manager or managers.

(6) Actions taken by the limited liability company in good faith in accordance with the emergency operating agreement have the effect of binding the *limited liability* company and may not be used to impose liability on a manager, employee, or agent of the *limited liability* company.

Section 17. Subsections (3), (6), and (8) of section 608.4231, Florida Statutes, are amended to read:

608.4231 Voting by members and managers.—

(3) If no *conflicting* voting provision is contained in the articles of organization or operating agreement:

(a) The members of a limited liability company shall vote in proportion to their then-current percentage or other *allocable* interest in the profits of the limited liability company or, in the case of a member who has assigned the member's entire economic interest in the limited liability company to a person who has not been admitted as a member, in proportion to the then-current percentage or other *allocable* interest in the profits of the limited liability company that the assigning member would have, had the assignment not been made.

(b) In all matters in which a vote is required, a vote of a majority-in-interest of the members shall be sufficient unless provided otherwise in the *limited liability* company's articles of organization or operating agreement or this chapter.

(6) Except as otherwise provided in the articles of organization or the operating agreement, if the members have appointed more than one manager *or managing member* to manage the business of the limited liability company, decisions of the managers *or managing members* shall be made by majority vote of the managers *or managing members* if at a meeting, or by unanimous written consent. *Unless otherwise provided in the articles of organization or operating agreement, on any matter that is to be voted on by one or more managers or managing members, the managers or managing members may vote in person or by proxy. Within 10 days after obtaining such authorization by written consent, notice must be given to those managers or managing members who have not consented in writing or who are not entitled to vote on the action.*

(8) Unless otherwise provided in the articles of organization or operating agreement, on any matter that is to be voted on by members, the members may take such action without a meeting, without prior notice, and without a vote if a consent or consents in writing, setting forth the action so taken, are signed by the members having not less than the minimum number of votes that would be necessary to authorize or take such action at a meeting, but in no event by a vote of less than a majority-in-interest of the members that would be necessary to authorize or take such action at a meeting. Unless otherwise provided in the articles of organization or operating agreement, on any matter that is to be voted on by members ~~or managers~~, the members ~~or managers~~ may vote in person or by proxy. Within 10 days after obtaining such authorization by written consent, notice must be given to those members who have not consented in writing or who are not entitled to vote on the action.

Section 18. Section 608.4235, Florida Statutes, is amended to read:

608.4235 Agency of members and managers *or managing members*.—

(1) Subject to subsections (2) and (3):

(a) In a member-managed company, each member is an agent of the limited liability company for the purpose of its business, and an act of a member, including the signing of an instrument in the *limited liability* company's name, for apparently carrying on in the ordinary course the *limited liability* company's business or business of the kind carried on by the company binds the *limited liability* company, unless the member had no authority to act for the *limited liability* company in the particular matter and the person with whom the member was dealing knew or had notice that the member lacked authority.

(b) An act of a member which is not apparently for carrying on in the ordinary course the *limited liability* company's business or business of the kind carried on by the *limited liability* company binds the *limited liability* company only if the act was authorized by appropriate vote of the other members.

(2) Subject to subsection (3), in a manager-managed company:

(a) A member is not an agent of the *limited liability* company for the purpose of its business solely by reason of being a member. Each manager is an agent of the *limited liability* company for the purpose of its business, and an act of a manager, including the signing of an instrument in the *limited liability* company's name, for apparently carrying on in the ordinary course the *limited liability* company's business or business of the kind carried on by the company binds the *limited liability* company, unless the manager had no authority to act for the *limited liability* company in the particular matter and the person with whom the manager was dealing knew or had notice that the manager lacked authority.

(b) An act of a manager which is not apparently for carrying on in the ordinary course the *limited liability* company's business or business of the kind carried on by the *limited liability* company binds the *limited liability* company only if the act was authorized under s. 608.422.

(3) Unless the articles of organization or operating agreement limit the authority of a member, any member of a member-managed company or manager of a manager-managed company may sign and deliver any instrument transferring or affecting the *limited liability* company's interest in real property. The instrument is conclusive in favor of a person who gives value without knowledge of the lack of the authority of the person signing and delivering the instrument.

Section 19. Section 608.4238, Florida Statutes, is amended to read:

608.4238 Unauthorized assumption of powers.—All persons purporting to act as or on behalf of a limited liability company, having actual knowledge that there was no organization of a *limited liability* company under this chapter, are jointly and severally liable for all liabilities created while so acting except for any liability to any person who also had actual knowledge that there was no organization of a limited liability company.

Section 20. Subsection (3) of section 608.425, Florida Statutes, is amended to read:

608.425 Limited liability company property.—

(3) Instruments and documents providing for the acquisition, mortgage, or disposition of property of the limited liability company shall be valid and binding upon the *limited liability* company, if they are executed in accordance with this chapter.

Section 21. Subsection (2) of section 608.428, Florida Statutes, is amended to read:

608.428 Liability upon wrongful distribution.—

(2) A member may not receive a distribution from a *limited* liability company to the extent that, after giving effect to the distribution, ~~all liabilities of~~ the limited liability company *would be insolvent*~~, other than liabilities to members on account of their membership interests in the~~

~~limited liability company, exceed the value of the limited liability company's assets~~.

Section 22. Subsection (1) of section 608.432, Florida Statutes, is amended to read:

608.432 Assignment of member's interest.—

(1) A limited liability company interest is assignable in whole or in part except as provided in the articles of organization or operating agreement. The assignee of a member's interest shall have no right to participate in the management of the business and affairs of a limited liability company except as provided in the articles of organization or operating agreement and upon:

(a) The approval of all of the members of the limited liability company other than the member assigning the limited liability company interest; or

(b) Compliance with any procedure provided for in the *articles of organization or operating* ~~limited liability company~~ agreement.

Section 23. Paragraph (e) of subsection (3) of section 608.438, Florida Statutes, is amended to read:

608.438 Merger of limited liability company.—

(3) The plan of merger shall set forth:

(e) If a limited liability company is to be the surviving entity, and management thereof is vested in one or more managers *or managing members*, the names and business addresses of such managers *or managing members*.

Section 24. Subsections (1) and (2) of section 608.441, Florida Statutes, are amended to read:

608.441 Dissolution.—

(1) A limited liability company organized under this chapter shall be dissolved, and the *limited liability* company's affairs shall be concluded, upon the first to occur of any of the following events:

(a) At the time specified in the articles of organization or operating agreement, but if no such time is set forth in the articles of organization or operating agreement, then the limited liability company shall have a perpetual existence;

(b) Upon the occurrence of events specified in the articles of organization or operating agreement;

(c) Unless otherwise provided in the articles of organization or operating agreement, upon the written consent of all of the members of the limited liability company;

(d) At any time there are no members; however, unless otherwise provided in the articles of organization or operating agreement, the limited liability company is not dissolved and is not required to be wound up if, within 90 days, or such other period as provided in the articles of organization or operating agreement, after the occurrence of the event that terminated the continued membership of the last remaining member, the personal or other legal representative of the last remaining member agrees in writing to continue the limited liability company and agrees to the admission of the personal representative of such member or its nominee or designee to the limited liability company as a member, effective as of the occurrence of the event that terminated the continued membership of the last remaining member; or

(e) The entry of an order of dissolution by a circuit court pursuant to subsection (3).

(2) So long as the limited liability company continues to have at least one remaining member, and except *as provided in paragraph (1)(d) or* as otherwise provided in the articles of organization or operating agreement, the death, retirement, resignation, expulsion, bankruptcy, or dissolution of any member or the occurrence of any other event that terminates the continued membership of any member shall not cause the limited liability company to be dissolved, and upon the occurrence of any such event, the limited liability company shall be continued without dissolution.

Section 25. Subsection (3) of section 608.444, Florida Statutes, is amended to read:

608.444 Distribution of assets upon dissolution.—In settling accounts after dissolution of a limited liability company, the assets of the limited liability company must be distributed in the following order:

(3) Except as provided in the articles of organization or the operating agreement, to members pro rata in proportion to their then-current percentage, or other interests in the profits, of the *limited liability* company.

Section 26. Subsection (6) of section 608.445, Florida Statutes, is amended to read:

608.445 Articles of dissolution.—The articles of dissolution shall set forth:

(6) The fact that there are no suits pending against the *limited liability* company in any court or that adequate provision has been made for the satisfaction of any judgment, order, or decree which may be entered against it in any pending suit.

Section 27. Subsection (2) of section 608.446, Florida Statutes, is amended to read:

608.446 Filing of articles of dissolution.—

(2) The certificate of dissolution shall be returned to the representative of the dissolved limited liability company. Upon the issuance of such certificate of dissolution, the existence of the *limited liability* company shall cease, except for the purpose of suits, other proceedings, and appropriate action as provided in this chapter. The manager or managers in office at the time of dissolution, or the survivors of them, or, if none, the members, shall thereafter be trustees for the members and creditors of the dissolved limited liability company; and as such the trustees shall have authority to distribute any ~~company~~ property *of the limited liability company* discovered after dissolution, to convey real estate, and to take such other action as may be necessary on behalf of and in the name of such dissolved limited liability company.

Section 28. Subsection (2) of section 608.449, Florida Statutes, is amended to read:

608.449 Grounds for judicial dissolution.—A circuit court may dissolve a limited liability company:

(2) In a proceeding by a manager or member if it is established that:

(a) The managers*, managing members,* or members are deadlocked in the management of the limited liability company affairs, the members are unable to break the deadlock, and irreparable injury to the limited liability company is threatened or being suffered; or

(b) The limited liability company's assets are being misappropriated or wasted.

Section 29. Subsections (1) and (2) of section 608.463, Florida Statutes, are amended to read:

608.463 Service of process.—

(1) Process against a limited liability company may be served:

(a) In accordance with chapter 48 or chapter 49, as if the *limited liability* company were a partnership.

(b) Upon the registered agent at the agent's street address.

(2) Any notice to or demand on a *limited liability* company organized pursuant to this chapter may be made:

(a) By delivery to a manager of the *limited liability* company, if the management of the limited liability company is vested in *one or more managers* ~~a manager~~, or by delivery to a member, if the management of the limited liability company is vested in the members.

(b) By mailing a writing, which notice or demand in writing is mailed to the registered office of the *limited liability* company in this state or to another address in this state which is the principal office of the *limited liability* company.

Section 30. Subsection (1) of section 608.504, Florida Statutes, is amended to read:

608.504 Amended certificate of authority.—

(1) A foreign limited liability company authorized to transact business in this state shall make application to the Department of State to obtain an amended certificate of authority if any statement in the *limited liability* company's application was false or becomes false due to change in circumstances or if the foreign limited liability company changes:

(a) Its limited liability company name.

(b) The period of its duration.

(c) The jurisdiction of its organization.

Section 31. Subsection (2) of section 608.507, Florida Statutes, is amended to read:

608.507 Registered office and registered agent of foreign limited liability company.—Each foreign limited liability company in this state must continuously maintain in this state:

(2) A registered agent, *which* ~~who~~ may be *either*:

(a) An individual who resides in this state and whose business office is identical with the registered office; *or*

~~(b) A domestic corporation or domestic limited liability company the business office of which is identical with the registered office; or~~

(b)~~(c)~~ A foreign *or domestic entity* ~~corporation or foreign limited liability company~~ authorized to transact business in this state *which has a* ~~the~~ business office ~~of which is~~ identical with the registered office.

Section 32. Section 608.704, Florida Statutes, is created to read:

608.704 Reservation of power to amend or repeal.—The Legislature has the power to amend or repeal all or part of this chapter at any time, and all domestic and foreign limited liability companies subject to this chapter shall be governed by the amendment or repeal.

Section 33. Section 608.705, Florida Statutes, is created to read:

608.705 Effect of repeal of prior acts.—

(1) Except as provided in subsection (2), the repeal of a statute by this chapter does not affect:

(a) The operation of the statute or any action taken under it before its repeal, including, without limiting the generality of the foregoing, the continuing validity of any provision of the articles of organization, regulations, or operating agreements of a limited liability company authorized by the statute at the time of its adoption;

(b) Any ratification, right, remedy, privilege, obligation, or liability acquired, accrued, or incurred under the statute before its repeal;

(c) Any violation of the statute, or any penalty, forfeiture, or punishment incurred because of the violation, before its repeal;

(d) Any proceeding, merger, sale of assets, reorganization, or dissolution commenced under the statute before its repeal, and the proceeding, merger, sale of assets, reorganization, or dissolution

And the title is amended as follows:

On page 2, line 1, after the word "of",

insert: managers and

Rep. Rubio moved the adoption of the amendment, which was adopted.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

CS/CS/HB 1095—A bill to be entitled An act relating to sureties; amending s. 199.185, F.S.; exempting mortgages and liens recorded to secure performance of an indemnitor to a surety from the intangible personal property tax and the excise tax on documents at time of recording; providing that those taxes become due upon exercise of rights under the mortgage or lien; providing that failure to pay those taxes when due is a first degree misdemeanor; amending s. 210.08, F.S.; providing methods other than a bond for dealers, agents, or distributing agents to guarantee tax payment to the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation; amending s. 255.05, F.S.; requiring public construction bonds to be similar to the statutory form; amending s. 713.24, F.S.; providing that sureties have no liability in excess of a lien transfer bond; providing an exception; providing an effective date.

—was read the second time by title.

Representative(s) Smith offered the following:

(Amendment Bar Code: 051225)

Amendment 1 (with title amendment)—
Remove everything after the enacting clause

and insert:

Section 1. Subsection (9) is added to section 199.185, Florida Statutes, to read:

199.185 Property exempted from annual and non-recurring taxes.—

(9)(a) Mortgages and liens recorded to secure the performance of an indemnitor to a surety by insurance companies licensed in the State of Florida that issue surety are exempt from this chapter at the time of recording the mortgage or lien. The clerk of the court shall accept such recordings at the time of submittal and such mortgage or lien shall have a priority as of the date of recording over any subsequent filings by other parties notwithstanding that the enforcement of the recorded mortgage or lien on the indemnity may come subsequent to the later recording and any action against the indemnitor affecting said mortgage or lien shall provide notice to the insurance company.

(b) Upon exercise of the rights under the mortgage or lien, all applicable taxes due pursuant to this chapter shall become due and payable as if the mortgage or lien were initially executed and recorded without this exemption.

(c) Failure to pay tax at time of exercise shall not affect the mortgage or lien, but any person who willfully violates or fails to comply with this subsection is subject to the penalties set forth in s. 199.282.

Section 2. Subsection (5) is added to section 201.23, Florida Statutes, to read:

201.23 Foreign notes and other written obligations exempt.—

(5) Mortgages and liens recorded to secure the performance of an indemnitor to a surety by insurance companies licensed in this state which issue surety are exempt from this chapter at the time of recording the mortgage or lien. The clerk of the court shall accept such recordings at the time of submittal, and such mortgage or lien shall have a priority as of the date of recording over any subsequent filings by other parties, notwithstanding that the enforcement of the recorded mortgage or lien on the indemnity may occur after the later recording and any action against the indemnitor affecting the mortgage or lien provides notice to the insurance company. Upon exercise of the rights under the mortgage or lien, all applicable taxes due pursuant to this chapter shall become due and payable as if the mortgage or lien were initially executed and recorded without this exception. Failure to pay any tax at time of exercise shall not affect the mortgage or lien, but any person who willfully fails or refuses to pay tax due under this subsection commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 3. Section 210.08, Florida Statutes, is amended to read:

210.08 Bond for payment of taxes.—Each dealer, agent, or distributing agent shall file with the division a surety bond, *certificate of deposit, or irrevocable letter of credit* acceptable to the division in the sum of $10,000 as surety for the payment of all taxes; provided, however, that where in the discretion of the division the amount of business done by the dealer, agent, or distributing agent is of such volume that a bond, *certificate of deposit, or irrevocable letter of credit* of less than $10,000 will be adequate to secure the payment of all taxes assessed as authorized by the cigarette tax law, the division may accept a bond, *certificate of deposit, or irrevocable letter of credit* in a lesser sum than $10,000, but in no event shall it accept a bond, *certificate of deposit, or irrevocable letter of credit* of less than $1,000, and it may at any time in its discretion require any bond, *certificate of deposit, or irrevocable letter of credit* in an amount less than $10,000 to be increased not to exceed $10,000.

Section 4. Subsection (3) of section 255.05, Florida Statutes, is amended to read:

255.05 Bond of contractor constructing public buildings; form; action by materialmen.—

(3) The bond required in subsection (1) *shall be in the following form, and any deviation of the bond required by the public owner or furnished by the contractor shall be disregarded* ~~may be in substantially the following form~~:

PUBLIC CONSTRUCTION BOND

BY THIS BOND, We . . . . *{enter name principal business address, and telephone number of contractor}*, as Principal and *{enter name, principal business address, and telephone number of surety}*. . . . , a corporation, *authorized to do business in Florida as a surety insurer,* as Surety, are bound to . . . . *{enter name, principal business address, and telephone number of public owner}*, herein called Owner, in the sum of $. . . . *{enter contract amount as penal sum of bond}*, for payment of which we bind ourselves, our heirs, personal representatives, successors, and assigns, jointly and severally.

WHEREAS, Principal has entered into a contract with Owner for . . . . {enter description of project sufficient to identify it such as a legal description of property, the street address of property, and a general description of the improvement to be constructed}, which is Owner's Contract No. . . . . {enter contract number} belonging to . . . . {enter name, principal business address, and telephone number of owner of property if different from the contract public entity} (hereinafter the Project); and

WHEREAS, this Bond is given to meet the requirements of Section 255.05, Florida Statutes, which shall control the respective rights and obligations of the Principal, Surety, Owner, and any claimant.

NOW, THEREFORE, THE CONDITION OF THIS BOND is that if Principal:

1. Performs the contract dated . . . . , ... , *{enter date of contract}* between Principal and Owner for construction of *the Project* ~~. . . .~~, the contract being made a part of this bond by reference, at the times and in the manner prescribed in the contract; and

2. Promptly makes payments to all claimants, as defined in Section 255.05(1), Florida Statutes, supplying Principal with labor, materials, or supplies, used directly or indirectly by Principal in the prosecution of the work provided for in the contract; and

3. Pays Owner all losses, damages, expenses, costs, and attorney's fees, including appellate proceedings, that Owner sustains because of a default by Principal under the contract; and

4. Performs the guarantee of all work and materials furnished under the contract for the time specified in the contract, then this bond is void; otherwise it remains in full force.

Any changes in or under the contract documents and compliance or noncompliance with any formalities connected with the contract or the changes does not affect Surety's obligation under this bond.

DATED ON . . . . , ...

. . . *(Date of Bond).* . .
. . . (Name of Principal). . .
By . . . (As *Authorized* Attorney in Fact). . .
. . . (Name of Surety). . .

Section 5. Subsection (3) of section 713.24, Florida Statutes, is amended to read:

713.24 Transfer of liens to security.—

(3) Any party having an interest in such security or the property from which the lien was transferred may at any time, and any number of times, file a complaint in chancery in the circuit court of the county where such security is deposited, or file a motion in a pending action to enforce a lien, for an order to require additional security, reduction of security, change or substitution of sureties, payment of discharge thereof, or any other matter affecting *the* ~~said~~ security. If the court finds that the amount of the deposit or bond in excess of the amount claimed in the claim of lien is insufficient to pay the lienor's attorney's fees and court costs incurred in the action to enforce the lien, the court must increase the amount of the cash deposit or lien transfer bond. *However, the surety has no liability in excess of the lien transfer bond filed with the clerk unless it provides a new or amended bond.*

Section 6. This act shall take effect July 1, 2002.

And the title is amended as follows:
remove: the entire title

and insert: A bill to be entitled An act relating to sureties; amending ss. 199.185, 201.23, F.S.; exempting mortgages and liens recorded to secure performance of an indemnitor to a surety from the intangible personal property tax and the excise tax on documents at time of recording; providing that those taxes become due upon exercise of rights under the mortgage or lien; providing that failure to pay intangibles tax is subject to criminal penalties in s. 199.282, F.S.; providing that failure to pay excise taxes when due is a first degree misdemeanor; amending s. 210.08, F.S.; providing methods other than a bond for dealers, agents, or distributing agents to guarantee tax payment to the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation; amending s. 255.05, F.S.; requiring public construction bonds to be the same as the statutory form; revising the statutory form; amending s. 713.24, F.S.; providing that sureties have no liability in excess of a lien transfer bond; providing an exception; providing an effective date.

Rep. Smith moved the adoption of the amendment, which was adopted.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

CS/HB 1431—A bill to be entitled An act relating to recreational vehicles; amending s. 681.103, F.S.; requiring that certain information relating to filing a claim with a mediation and arbitration program be provided by the nameplate manufacturer to the consumer; amending s. 681.1096, F.S.; postponing termination of the mediation and arbitration pilot program; amending s. 681.1097, F.S.; providing for screening of claims by the program; providing an effective date.

—was read the second time by title and, under Rule 10.13(b), referred to the Engrossing Clerk.

CS/HB 1487—A bill to be entitled An act relating to public records; providing an exemption from public records requirements for information received by a taxing authority or its agency in connection with certain audits of the records of a provider of telecommunication services; providing for review and repeal of the exemption; providing that the act is remedial and applies regardless of when the audit was begun; providing a finding of public necessity; providing an effective date.

—was read the second time by title and, under Rule 10.13(b), referred to the Engrossing Clerk.

CS/HB 1769—A bill to be entitled An act relating to public records; providing an exemption from public records requirements for unsolicited proposals received by the Department of Transportation or an

expressway authority with respect to public-private transportation facilities; providing an exception to the exemption; providing for future review and repeal; providing findings of public necessity; providing a contingent effective date.

—was read the second time by title and, under Rule 10.13(b), referred to the Engrossing Clerk.

CS/HB 83—A bill to be entitled An act relating to the Aerospace Infrastructure Reinvestment Act of 2002; creating said act; providing legislative findings; amending s. 212.20, F.S.; providing that the amounts due under the chapter on sales, use, and other transactions collected by dealers conducting business at a fixed location at the Kennedy Space Center or Cape Canaveral Air Station on admissions, leases, and licenses and on sales of tangible personal property at such business shall be separately returned and distributed by the Department of Revenue to the Florida Commercial Space Financing Corporation and used for described purposes; providing a definition; providing for rules; providing for future repeal; providing an effective date.

—was read the second time by title and, under Rule 10.13(b), referred to the Engrossing Clerk.

CS/HB 505—A bill to be entitled An act relating to law enforcement; creating the Law Enforcement Agency Consolidation Task Force; providing for the appointment of members; providing for duties; providing for a report addressing the effects of the consolidation of all sworn law enforcement positions in the state; providing for future repeal; providing an effective date.

—was read the second time by title.

The Committee on Crime Prevention, Corrections & Safety offered the following:

(Amendment Bar Code: 391653)

Amendment 1 (with title amendment)—On page 3, Line 27,
remove: *is abolished*

and insert: *shall sunset*

And the title is amended as follows:

On page 1, line 9,
remove: repeal

and insert: sunset

Rep. Needelman moved the adoption of the amendment, which was adopted.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

CS/HB 697—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.021, F.S.; redefining the terms "compensation" and "bonus" for purposes of the system; providing an effective date.

—was read the second time by title and, under Rule 10.13(b), referred to the Engrossing Clerk.

CS/HB 1115—A bill to be entitled An act relating to public libraries; amending s. 257.17, F.S.; authorizing municipalities to receive operating grants; establishing minimum standards for receipt of funds; removing minimum population requirement for municipalities to be eligible to receive funds; amending s. 257.191, F.S.; revising provisions relating to construction grants; amending s. 257.22, F.S.; permitting eligible political subdivisions to receive warrants; amending s. 257.23, F.S.; requiring certification of annual tax income by a specified date; clarifying authority with regard to applications for grants; repealing s. 257.19, F.S., relating to library construction grants; providing an effective date.

—was read the second time by title and, under Rule 10.13(b), referred to the Engrossing Clerk.

HB 1231 was taken up. On motion by Rep. Rubio, SB 98 was substituted for HB 1231. Under Rule 5.15, the House bill was laid on the table and—

SB 98—A bill to be entitled An act relating to regional cultural facilities; creating s. 265.702, F.S.; authorizing the Division of Cultural Affairs of the Department of State to accept and administer funds to provide grants for acquiring, renovating, or constructing regional cultural facilities; providing for eligibility; requiring the Florida Arts Council to review grant applications; requiring the council to submit an annual list to the Secretary of State; requiring the updating of information submitted by an applicant which is carried over from a prior year; providing definitions; providing standards for matching state funds; limiting the maximum amounts of grants; granting rulemaking authority to the division; providing an effective date.

—was read the second time by title and, under Rule 10.13(b), referred to the Engrossing Clerk.

CS/HB 1335—A bill to be entitled An act relating to the designation of university buildings; designating the renovated transplant housing unit at the University of Florida's Shands Hospital as the "Gerold L. Schiebler/Shands Transplant Housing Complex"; designating the School of Business and Industry building at Florida Agricultural and Mechanical University as the "Sybil C. Mobley Business Building"; designating the new allied health building at Florida Agricultural and Mechanical University as the "Jacqueline B. Beck-Margaret W. Lewis Allied Health Building"; designating the architecture building at Florida Agricultural and Mechanical University as the "Walter L. Smith Architecture Building"; designating the building which houses the University of Central Florida Downtown Center as the "James and Annie Ying Academic Center"; designating the student/community educational facility for health at Florida Gulf Coast University as the "Kleist Health Education Center"; designating the new gymnasium/athletics facility at Florida Gulf Coast University as the "Alico Arena"; designating the new demonstration and education model building to promote environmentally sustainable living conditions at Florida Gulf Coast University as the "WCI Green Building Demonstration and Learning Center"; designating the new foundation building to be erected on the Palmer Campus of New College as the "Keating Center"; designating the new nursing building on the Boca Raton Campus of Florida Atlantic University as the "Christine E. Lynn Nursing Building"; authorizing the respective universities to erect suitable markers; providing an effective date.

—was read the second time by title.

Representative(s) Mealor offered the following:

(Amendment Bar Code: 124401)

Amendment 1 (with title amendment)—On page 3, between lines 10 & 11, of the bill

insert:

Section 11. *The two east-west roads on the north and south sides of the esplanade leading to the John and Mable Ringling Museum of Art in Sarasota between Bayshore Road and U.S. Highway 41 are designated the "John McKay Boulevard of the Cultural Arts."*

Section 12. *The proposed entrance pavilion for the John and Mable Ringling Museum of Art in Sarasota, when funded and completed, shall be designated the "John McKay Center for the Arts."*

Section 13. *The Department of Transportation is directed to erect suitable markers bearing the designation made by section 11 of this act, at least one to be placed on U.S. Highway 41.*

Section 14. *The education and research center located at the IFAS-University of Florida Center in Fort Pierce shall be named the "I. A. 'Mac' Mascioli Education and Research Center."*

And the title is amended as follows:

On page 2, line 5, after the semicolon,

insert: designating the two east-west roads on the north and south sides of the esplanade leading to the John and Mable Ringling Museum of Art in Sarasota between Bayshore Road and U.S. Highway 41 as the "John McKay Boulevard of the Cultural Arts"; designating the proposed entrance pavilion for the John and Mable Ringling Museum of Art as the "John McKay Center for the Arts"; requiring the Department of Transportation to erect markers; naming the education and research center at the IFAS-University of Florida Center in Fort Pierce as the "I. A. 'Mac' Mascioli Education and Research Center";

Rep. Mealor moved the adoption of the amendment, which was adopted.

Representative(s) Kyle offered the following:

(Amendment Bar Code: 891871)

Amendment 2 (with title amendment)—On page 3, between lines 10 & 11,

insert:

Section 11. *The State of Florida Office Complex at 2295 Victoria Avenue in Fort Myers is hereby designated as the "Joseph P. D'Alessandro Office Complex." The Department of Management Services is authorized to erect suitable markers designating the Joseph P. D'Alessandro Office Complex as described in this section.*

And the title is amended as follows:

On page 1, line 3,
remove: all of said lines

and insert: buildings; designating a building in Fort Myers as the "Joseph P. D'Alessandro Office Complex"; designating the renovated

Rep. Kyle moved the adoption of the amendment, which was adopted.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

HB 1573—A bill to be entitled An act relating to wagering; prohibiting gambling activities on vessels under certain circumstances; providing penalties; providing exceptions; amending s. 550.6305, F.S., relating to the distribution of net proceeds that are retained from the takeout on rebroadcast of certain races; revising area and conditions for application of distribution provisions; providing an effective date.

—was read the second time by title.

REPRESENTATIVE BALL IN THE CHAIR

The Committee on Business Regulation offered the following:

(Amendment Bar Code: 293287)

Amendment 1 (with title amendment)—
Remove everything after the enacting clause

and insert:

Section 1. Paragraphs (c), (d), and (f) of subsection (9) of section 550.6305, Florida Statutes, are amended to read:

550.6305 Intertrack wagering; guest track payments; accounting rules.—

(9) A host track that has contracted with an out-of-state horse track to broadcast live races conducted at such out-of-state horse track pursuant to s. 550.3551(5) may broadcast such out-of-state races to any guest track and accept wagers thereon in the same manner as is provided in s. 550.3551.

(b) Notwithstanding the provisions of subsection (1) and s. 550.625(1) and (2)(a), the distribution of the net proceeds that are retained by a thoroughbred host track from the takeout on an out-of-state race rebroadcast under this subsection shall be as follows:

1. One-third of the remainder of such proceeds shall be paid to the guest track;

2. One-third of the remainder of such proceeds shall be retained by the host track; and

3. One-third of the remainder of such proceeds shall be paid by the host track as purses at the host track.

(c) All guest tracks other than thoroughbred permitholders that are eligible to receive wagers on out-of-state horseraces rebroadcast from a host track racing under a thoroughbred horse permit shall be subject to the distribution of the net proceeds as specified in paragraph *(b) or paragraph (d)* ~~(a)~~ unless the host and guest permitholders and the recognized horseman's group agree to a different distribution of their respective portions of the proceeds by contract.

(d) Any permitholder located in any *county* ~~area~~ of the state where there are only two permits, one for dogracing and one for jai alai, may accept wagers on rebroadcasts of out-of-state thoroughbred horse races from an in-state thoroughbred horse racing permitholder and shall not be subject to the provisions of paragraph (b) ~~if such thoroughbred horse racing permitholder located within the area specified in this paragraph is both conducting live races and accepting wagers on out-of-state horseraces~~. In such case, the guest permitholder shall be entitled to 45 percent of the net proceeds on wagers accepted at the guest facility. The remaining proceeds shall be distributed as follows: one-half shall be retained by the host facility and one-half shall be paid by the host facility as purses at the host facility.

(f) Any permitholder located in any *county* ~~area~~ of the state where there are only two permits, one for dogracing and one for jai alai, may accept wagers on rebroadcasts of out-of-state harness horse races from an in-state harness horse racing permitholder and shall not be subject to the provisions of paragraph *(e)* ~~(b) if such harness horse racing permitholder located within the area specified in this paragraph is conducting live races~~. In such case, the guest permitholder shall be entitled to 45 percent of the net proceeds on wagers accepted at the guest facility. The remaining proceeds shall be distributed as follows: one-half shall be retained by the host facility and one-half shall be paid by the host facility as purses at the host facility.

Section 2. Paragraph (a) of subsection (7) of section 550.334, Florida Statutes, is amended to read:

550.334 Quarter horse racing; substitutions.—

(7)(a) Any quarter horse racing permitholder operating under a valid permit issued *prior to January 1, 2002,* by the division *that has not been relocated after December 31, 2001, to a county other than the county that appears on the original permit application* is authorized to substitute other races of other breeds of horses which are, respectively, registered with the American Paint Horse Association, Appaloosa Horse Club, Arabian Horse Registry of America, Jockey Club, Palomino Horse Breeders of America, or United States Trotting Association, for no more than 50 percent of the quarter horse races daily.

Section 3. *(1) Notwithstanding the provisions of s. 550.01215(4), the license of thoroughbred horserace permitholder who fails to operate all performances specified on its license that are scheduled prior to July 1, 2004 will not be subject to fine or suspension by the division.*

(2) Notwithstanding the provisions of s. 550.09515(3)(a), a thoroughbred horse permitholder who does not pay tax on handle for live thoroughbred performances through the period ending July 1, 2004, does not abandon its interest in its permit.

(3) Notwithstanding the provision of s. 550.5251(2), though the period ending July 1, 2004, the ability to operate horseracing meets the full number of days authorized on each of the dates set forth in its license shall not be a condition precedent to the validity of a thoroughbred racing permitholder's license or permit.

Section 4. This act shall take effect upon becoming a law.

And the title is amended as follows:

On page 1, lines 2-18,
remove: all of said lines

and insert: An act relating to pari-mutuel wagering; amending s. 550.6305, F.S.; relating to the distribution of net proceeds that are retained from the takeout on rebroadcasts of certain races; revising area and conditions for application of distribution provisions; amending s. 550.334, F.S.; revising provisions relating to quarter horse races; specifying certain conditions of operation for permitholders shall not be applicable; providing an effective date.

Rep. Fasano moved the adoption of the amendment.

Representative(s) Baxley and Jennings offered the following:

(Amendment Bar Code: 333833)

Amendment 1 to Amendment 1 (with title amendment)—On page 1, line 17,

insert:

Section 1. Subsections (1) and (2) of section 550.26165, Florida Statutes, are amended to read:

550.26165 Breeders' awards.—

(1) The purpose of this section is to encourage the agricultural activity of breeding and training racehorses in this state. Moneys dedicated in this chapter for use as breeders' awards and stallion awards are to be used for awards to breeders of registered Florida-bred horses winning horseraces and for similar awards to the owners of stallions who sired Florida-bred horses winning stakes races, if the stallions are registered as Florida stallions standing in this state. Such awards shall be given at a uniform rate to all winners of the awards, shall not be greater than 20 percent of the announced gross purse, and shall not be less than 15 percent of the announced gross purse if funds are available. In addition, no less than 17 percent nor more than 40 percent, as determined by the Florida Thoroughbred Breeders' Association, of the moneys dedicated in this chapter for use as breeders' awards and stallion awards for thoroughbreds shall be returned pro rata to the permitholders that generated the moneys for *special racing* awards to be distributed by the permitholders to owners of ~~registered Florida-bred~~ thoroughbred horses *participating* ~~winning~~ in *prescribed* thoroughbred *stakes* race*s, non-stakes races, or both* ~~and winning or placing in thoroughbred stakes races~~, all in accordance with a *written agreement establishing the rate, procedure, and eligibility requirements for such awards entered into* ~~plan established annually no later than 120 days before the first day of the permitholders' racing meet and agreed upon~~ by the permitholder, the Florida Thoroughbred Breeders' Association, and the Florida Horsemen's Benevolent and Protective Association, Inc., except that the plan for the distribution by any permitholder located in the area described in s. 550.615(9) shall be agreed upon by that permitholder, the Florida Thoroughbred Breeders' Association, and the association representing a majority of the thoroughbred racehorse owners and trainers at that location. Awards for thoroughbred races are to be paid through the Florida Thoroughbred Breeders' Association, and awards for standardbred races are to be paid through the Florida Standardbred Breeders and Owners Association. Among other sources specified in this chapter, moneys for thoroughbred breeders' awards will come from the 0.955 percent of handle for thoroughbred races conducted, received, broadcast, or simulcast under this chapter as provided in s. 550.2625(3). The moneys for quarter horse and harness breeders' awards will come from the breaks and uncashed tickets on live quarter horse and harness racing performances and 1 percent of handle on intertrack wagering. The funds for these breeders' awards shall be paid to the respective breeders' associations by the permitholders conducting the races.

(2) Each breeders' association shall develop a plan each year that will provide for a uniform rate of payment and procedure for *breeders' and stallion awards* ~~payment~~. The plan *for payment of breeders' and stallion awards* may set a cap on winnings and may limit, exclude, or defer payments *on* ~~to~~ certain classes of races, such as the Florida stallion stakes races, in order to assure that there are adequate revenues to meet the proposed uniform rate. Priority shall be placed on imposing such restrictions in lieu of allowing the uniform rate *for breeders' and stallion awards* to be less than 15 percent of the total purse payment. The plan must provide for the maximum possible payments within revenues.

Section 2. Subsection (3) of section 550.2625, Florida Statutes, is amended to read:

550.2625 Horseracing; minimum purse requirement, Florida breeders' and owners' awards.—

(3) Each horseracing permitholder conducting any thoroughbred race under this chapter, including any intertrack race taken pursuant to ss. 550.615-550.6305 or any interstate simulcast taken pursuant to s. 550.3551(3) shall pay a sum equal to 0.955 percent on all pari-mutuel pools conducted during any such race for the payment of breeders'*,* ~~and~~ stallion*, or special racing* awards as authorized in this *chapter* ~~section~~. This subsection also applies to all Breeder's Cup races conducted outside this state taken pursuant to s. 550.3551(3). On any race originating live in this state which is broadcast out-of-state to any location at which wagers are accepted pursuant to s. 550.3551(2), the host track is required to pay 3.475 percent of the gross revenue derived from such out-of-state broadcasts as breeders'*,* ~~and~~ stallion*, or special racing* awards. The Florida Thoroughbred Breeders' Association is authorized to receive these payments from the permitholders and make payments of awards earned. The Florida Thoroughbred Breeders' Association has the right to withhold up to 10 percent of the permitholder's payments under this section as a fee for administering the payments of awards and for general promotion of the industry. The permitholder shall remit these payments to the Florida Thoroughbred Breeders' Association by the 5th day of each calendar month for such sums accruing during the preceding calendar month and shall report such payments to the division as prescribed by the division. With the exception of the 10-percent fee, the moneys paid by the permitholders shall be maintained in a separate, interest-bearing account, and such payments together with any interest earned shall be used exclusively for the payment of breeders'*,* ~~awards and~~ stallion*, or special racing* awards in accordance with the following provisions:

(a) The breeder of each Florida-bred thoroughbred horse winning a thoroughbred horse race is entitled to an award of up to, but not exceeding, 20 percent of the announced gross purse, including nomination fees, eligibility fees, starting fees, supplementary fees, and moneys added by the sponsor of the race.

(b) The owner or owners of the sire of a Florida-bred thoroughbred horse that wins a stakes race is entitled to a stallion award of up to, but not exceeding, 20 percent of the announced gross purse, including nomination fees, eligibility fees, starting fees, supplementary fees, and moneys added by the sponsor of the race.

(c) The owners of ~~registered Florida-bred~~ thoroughbred horses *participating* ~~winning or placing~~ in thoroughbred stakes race*s, non-stakes races, or both* may receive *a special racing* ~~an~~ award in accordance with *the agreement* ~~a plan~~ established *pursuant to* ~~in~~ s. 550.26165(1).

(d) In order for a breeder of a Florida-bred thoroughbred horse to be eligible to receive a breeder's award, ~~or for the owners of a registered Florida-bred thoroughbred horse to be eligible to receive an award under paragraph (c),~~ the horse must have been registered as a Florida-bred horse with the Florida Thoroughbred Breeders' Association, and the Jockey Club certificate for the horse must show that it has been duly registered as a Florida-bred horse as evidenced by the seal and proper serial number of the Florida Thoroughbred Breeders' Association registry. The Florida Thoroughbred Breeders' Association shall be permitted to charge the registrant a reasonable fee for this verification and registration.

(e) In order for an owner of the sire of a thoroughbred horse winning a stakes race to be eligible to receive a stallion award, the stallion must have been registered with the Florida Thoroughbred Breeders' Association, and the breeding of the registered Florida-bred horse must have occurred in this state. The stallion must be standing permanently in this state during the period of time between February 1 and June 15 of each year or, if the stallion is dead, must have stood permanently in this state for a period of not less than 1 year immediately prior to its death. The removal of a stallion from this state during the period of time between February 1 and June 15 of any year for any reason, other than

exclusively for prescribed medical treatment, as approved by the Florida Thoroughbred Breeders' Association, renders the owner or owners of the stallion ineligible to receive a stallion award under any circumstances for offspring sired prior to removal; however, if a removed stallion is returned to this state, all offspring sired subsequent to the return make the owner or owners of the stallion eligible for the stallion award but only for those offspring sired subsequent to such return to this state. The Florida Thoroughbred Breeders' Association shall maintain complete records showing the date the stallion arrived in this state for the first time, whether or not the stallion remained in the state permanently, the location of the stallion, and whether the stallion is still standing in this state and complete records showing awards earned, received, and distributed. The association may charge the owner, owners, or breeder a reasonable fee for this service.

(f) A permitholder conducting a thoroughbred horse race under the provisions of this chapter shall, within 30 days after the end of the race meet during which the race is conducted, certify to the Florida Thoroughbred Breeders' Association such information relating to the thoroughbred horses winning a stakes or other horserace at the meet as may be required to determine the eligibility for payment of breeders', ~~awards and~~ stallion*, and special racing* awards.

(g) The Florida Thoroughbred Breeders' Association shall maintain complete records showing the starters and winners in all races conducted at thoroughbred tracks in this state; shall maintain complete records showing awards earned, received, and distributed; and may charge the owner, owners, or breeder a reasonable fee for this service.

(h) The Florida Thoroughbred Breeders' Association shall annually establish a uniform rate and procedure for the payment of breeders' and stallion awards and shall make breeders' and stallion award payments in strict compliance with the established uniform rate and procedure plan. The plan may set a cap on winnings and may limit, exclude, or defer payments to certain classes of races, such as the Florida stallion stakes races, in order to assure that there are adequate revenues to meet the proposed uniform rate. Such plan must include proposals for the general promotion of the industry. Priority shall be placed upon imposing such restrictions in lieu of allowing the uniform rate to be less than 15 percent of the total purse payment. The uniform rate and procedure plan must be approved by the division before implementation. In the absence of an approved plan and procedure, the authorized rate for breeders' and stallion awards is 15 percent of the announced gross purse for each race. Such purse must include nomination fees, eligibility fees, starting fees, supplementary fees, and moneys added by the sponsor of the race. If the funds in the account for payment of breeders' and stallion awards are not sufficient to meet all earned breeders' and stallion awards, those breeders and stallion owners not receiving payments have first call on any subsequent receipts in that or any subsequent year.

(i) The Florida Thoroughbred Breeders' Association shall keep accurate records showing receipts and disbursements of such payments and shall annually file a full and complete report to the division showing such receipts and disbursements and the sums withheld for administration. The division may audit the records and accounts of the Florida Thoroughbred Breeders' Association to determine that payments have been made to eligible breeders and stallion owners in accordance with this section.

(j) If the division finds that the Florida Thoroughbred Breeders' Association has not complied with any provision of this section, the division may order the association to cease and desist from receiving funds and administering funds received under this section. If the division enters such an order, the permitholder shall make the payments authorized in this section to the division for deposit into the Pari-mutuel Wagering Trust Fund; and any funds in the Florida Thoroughbred Breeders' Association account shall be immediately paid to the Division of Pari-mutuel Wagering for deposit to the Pari-mutuel Wagering Trust Fund. The division shall authorize payment from these funds to any breeder or stallion owner entitled to an award that has not been previously paid by the Florida Thoroughbred Breeders' Association in accordance with the applicable rate.

And the title is amended as follows:

On page 4, line 22, of the amendment after the semicolon

and insert: amending s. 550.26165, F.S.; revising criteria for making breeders' awards for racehorses; amending s. 550.2625, F.S.; providing for payment of special racing awards;

Rep. Baxley moved the adoption of the amendment to the amendment, which was adopted.

Representative(s) Fasano offered the following:

(Amendment Bar Code: 813103)

Amendment 2 to Amendment 1 (with title amendment)—On page 1, lines 17-31, through page 3, line 12,
remove: all of said lines

And the title is amended as follows:

On page 4, lines 23-27, of the amendment
remove: all of said lines

Rep. Fasano moved the adoption of the amendment to the amendment, which was adopted.

Representative(s) Fasano offered the following:

(Amendment Bar Code: 784181)

Amendment 3 to Amendment 1 (with title amendment)—On page 4, between lines 11 and 12, of the amendment

insert:

Section 4. Subsection (11) of section 550.002, Florida Statutes, is amended to read:

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

(11) "Full schedule of live racing or games" means, for a greyhound ~~or jai alai~~ permitholder, the conduct of a combination of at least 100 live evening or matinee performances during the preceding year; for a permitholder who has a converted permit or filed an application on or before June 1, 1990, for a converted permit, the conduct of a combination of at least 100 live evening and matinee wagering performances during either of the 2 preceding years; for a harness permitholder, the conduct of at least 100 live regular wagering performances during the preceding year; for a quarter horse *or jai alai* permitholder, the conduct of at least 40 live regular wagering performances during the preceding year; and for a thoroughbred permitholder, the conduct of at least 40 live regular wagering performances during the preceding year. For a permitholder which is restricted by statute to certain operating periods within the year when other members of its same class of permit are authorized to operate throughout the year, the specified number of live performances which constitute a full schedule of live racing or games shall be adjusted pro rata in accordance with the relationship between its authorized operating period and the full calendar year and the resulting specified number of live performances shall constitute the full schedule of live games for such permitholder and all other permitholders of the same class within 100 air miles of such permitholder. A live performance must consist of no fewer than eight races or games conducted live for each of a minimum of three performances each week at the permitholder's licensed facility under a single admission charge.

And the title is amended as follows:

On page 4, line 31, of the amendment

after the semicolon insert: amending s. 550.002, F.S.; revising a definition for "full schedule of live racing or games";

Rep. Fasano moved the adoption of the amendment to the amendment.

Further consideration of **HB 1573**, with pending amendments, was temporarily postponed under Rule 11.10.

Motion

Rep. Frankel moved to recall **SB 2028** from the Senate.

THE SPEAKER IN THE CHAIR

Rep. Goodlette suggested the absence of a quorum. A quorum was present [Session Vote Sequence: 894].

The question recurred on the motion by Rep. Frankel to recall SB 2028 from the Senate, which was not agreed to. The vote was:

Session Vote Sequence: 895

Yeas—39

Ausley	Gelber	Lerner	Seiler
Bendross-Mindingall	Gottlieb	Lynn	Siplin
Betancourt	Greenstein	Machek	Slosberg
Brutus	Harper	McGriff	Smith
Bucher	Henriquez	Meadows	Stansel
Bullard	Heyman	Peterman	Weissman
Cusack	Holloway	Rich	Wiles
Fields	Joyner	Ritter	Wilson
Frankel	Kendrick	Romeo	Wishner
Gannon	Kosmas	Ryan	

Nays—71

The Chair	Bowen	Goodlette	Maygarden
Alexander	Brown	Green	Mealor
Allen	Brummer	Haridopolos	Melvin
Andrews	Byrd	Harrell	Needelman
Argenziano	Cantens	Harrington	Negron
Arza	Carassas	Hart	Paul
Attkisson	Clarke	Hogan	Pickens
Atwater	Davis	Johnson	Prieguez
Baker	Detert	Jordan	Ross
Ball	Dockery	Kallinger	Rubio
Barreiro	Evers	Kilmer	Russell
Baxley	Farkas	Kottkamp	Simmons
Bean	Fasano	Kravitz	Sorensen
Bennett	Fiorentino	Kyle	Spratt
Bense	Flanagan	Littlefield	Trovillion
Benson	Garcia	Mack	Wallace
Berfield	Gardiner	Mahon	Waters
Bilirakis	Gibson	Mayfield	

Votes after roll call:
Yeas—Jennings
Nays—Murman

HB 1787—A bill to be entitled An act relating to the Medal of Heroism; providing that designated persons are eligible to receive the Medal of Heroism; providing an effective date.

—was read the second time by title.

REPRESENTATIVE BALL IN THE CHAIR

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

HB 1633—A bill to be entitled An act relating to unclaimed bodies; amending s. 245.06, F.S.; providing procedures for disposition of unclaimed bodies of veterans; requiring that any contract for disposal of unclaimed remains by a local governmental entity provide for compliance with certain state and federal regulations; providing an effective date.

—was read the second time by title and, under Rule 10.13(b), referred to the Engrossing Clerk.

CS/HB 1209—A bill to be entitled An act relating to crime victims; creating s. 960.0021, F.S.; providing legislative findings; providing for an advisement from the court to the victim of a crime with respect to the rights of victims; providing that such advisement is only for the benefit of crime victims; providing that the circuit court administrator shall work in coordination with the clerk of court; providing that failure to provide such advisement shall not affect the validity of any hearing, conviction, or sentence; providing an effective date.

—was read the second time by title.

Representative(s) Gardiner offered the following:

(Amendment Bar Code: 105361)

Amendment 1—On page 3, line 5, through line 6,
remove: all said lines

and insert: Section 2. This act shall take effect July 1, 2002.

Rep. Gardiner moved the adoption of the amendment, which was adopted.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

On motion by Rep. Byrd, the House returned to consideration of SB 274.

SB 274—A bill to be entitled An act relating to public records; amending s. 18.20, F.S.; removing photographic film reproductions of specified vouchers or checks paid by the State Treasurer and preserved as records of the office of the Treasurer from classification as permanent records; amending s. 119.01, F.S.; establishing state policy with respect to public records; requiring governmental agencies to consider certain factors in designing or acquiring electronic recordkeeping systems; providing certain restrictions with respect to electronic recordkeeping systems and proprietary software; requiring governmental agencies to provide copies of public records stored in electronic recordkeeping systems; authorizing agencies to charge a fee for such copies; specifying circumstances under which the financial, business, and membership records of an organization are public records; amending s. 119.011, F.S.; providing definitions; repealing ss. 119.0115, 119.012, and 119.02, F.S., relating to specified exemption for certain videotapes and video signals, records made public by the use of public funds, and penalties for violation of public records requirements by a public officer; amending s. 119.021, F.S.; providing requirements for governmental agencies in maintaining and preserving public records; requiring the Division of Library and Information Services of the Department of State to adopt rules for retaining and disposing of public records; authorizing the division to provide for archiving certain noncurrent records; providing for the destruction of certain records and the continued maintenance of certain records; providing for the disposition of records at the end of an official's term of office; requiring that a custodian of public records demand delivery of records held unlawfully; repealing ss. 119.031, 119.041, 119.05, and 119.06, F.S., relating to the retention and disposal of public records and the delivery of records held unlawfully; amending s. 119.07, F.S.; revising provisions governing the inspection and copying of public records; establishing fees for copying; providing requirements for making photographs; authorizing additional means of copying; repealing ss. 119.08 and 119.083, F.S., relating to requirements for making photographs of public records and the licensing and sale of copyrighted data processing software by an agency; amending s. 119.084, F.S.; deleting certain provisions governing the maintenance of public records in an electronic recordkeeping system; repealing ss. 119.085 and 119.09, F.S., relating to remote electronic access to public records and the program for records and information management of the Department of State; amending s. 119.10, F.S.; clarifying provisions with respect to penalties for violations of ch. 119, F.S.; amending s. 119.105, F.S.; clarifying provisions under which certain police reports may be exempt from the public records law; amending s. 120.55, F.S.; revising language with respect to publication of the Florida Administrative Code to provide that the Department of State is required to compile and publish the code through a continuous revision system; amending s. 257.36, F.S.; providing procedure with respect to official custody of records upon transfer of duties or responsibilities between state agencies or dissolution of a state agency; amending s. 328.15, F.S.; revising the classification of records of notices and satisfaction of liens on vessels maintained by the Department of Highway Safety and Motor Vehicles; amending s. 372.5717, F.S.; revising the classification of

records of hunter safety certification cards maintained by the Fish and Wildlife Conservation Commission; amending s. 560.121, F.S.; decreasing and qualifying the period of retention for examination reports, investigatory records, applications, application records, and related information compiled by the Department of Banking and Finance under the Money Transmitters' Code; amending s. 560.123, F.S.; decreasing the period of retention for specified reports filed by money transmitters with the Department of Banking and Finance under the Money Transmitters' Code; amending s. 560.129, F.S.; decreasing and qualifying the period of retention for examination reports, investigatory records, applications, application records, and related information compiled by the Department of Banking and Finance under the Money Transmitters' Code; amending s. 624.311, F.S.; authorizing the Department of Insurance to maintain an electronic recordkeeping system for specified records, statements, reports, and documents; eliminating a standard for the reproduction of such records, statements, reports, and documents; amending s. 624.312, F.S.; providing that reproductions from an electronic recordkeeping system of specified documents and records of the Department of Insurance shall be treated as originals for the purpose of their admissibility in evidence; amending s. 633.527, F.S.; decreasing the period of retention for specified examination test questions, answer sheets, and grades in the possession of the Division of State Fire Marshal of the Department of Insurance; amending s. 655.50, F.S.; revising requirements of the Department of Banking and Finance with respect to retention of copies of specified reports and records of exemption submitted or filed by financial institutions under the Florida Control of Money Laundering in Financial Institutions Act; amending s. 945.25, F.S.; requiring the Department of Corrections to obtain and place in its records specified information on every person who may be sentenced to supervision or incarceration under the jurisdiction of the department; eliminating a requirement of the department, in its discretion, to obtain and place in its permanent records specified information on persons placed on probation and on persons who may become subject to pardon and commutation of sentence; amending s. 985.31, F.S.; revising the classification of specified medical files of serious or habitual juvenile offenders; repealing s. 212.095(6)(d), F.S., which requires the Department of Revenue to keep a permanent record of the amounts of refunds claimed and paid under ch. 212, F.S., and which requires that such records shall be open to public inspection; repealing s. 238.03(9), F.S., relating to the authority of the Department of Management Services to photograph and reduce to microfilm as a permanent record its ledger sheets showing the salaries and contributions of members of the Teachers' Retirement System of Florida, the records of deceased members of the system, and the authority to destroy the documents from which such films derive; repealing s. 591.34, F.S.; eliminating a procedure by which permission may be obtained from the Department of Agriculture and Consumer Services to cut seed trees; amending s. 27.151, F.S.; expanding considerations of the Governor in making an executive order confidential; correcting a cross reference; amending s. 399.02, F.S.; eliminating a confidentiality requirement of the Department of Business and Professional Regulation with respect to the names of companies under contract to provide elevator service maintenance; amending s. 655.0321, F.S.; expanding considerations of the Department of Banking and Finance in determining whether specified hearings and proceedings and documents related thereto shall be exempt from public records and meetings requirements; correcting a cross reference; amending ss. 15.09, 23.22, 101.5607, 112.533, 231.291, 257.34, 257.35, 282.21, 287.0943, 320.05, 322.20, 338.223, 378.406, 400.0077, 401.27, 403.111, 409.2577, 455.219, 456.025, 627.311, 627.351, 633.527, 668.50, and 794.024, F.S.; conforming cross references; reenacting s. 947.13(2)(a), F.S., relating to the duty of the Parole Commission to examine specified records, to incorporate the amendment to s. 945.25, F.S., in a reference thereto; designating the Records Management Center of the Department of State as the "James C. 'Jim' Smith Records Center"; providing an effective date.

—was taken up, having been read the second time earlier today; now pending on motion by Rep. Trovillion to adopt Amendment 1.

The question recurred on the adoption of **Amendment 1**, which was adopted.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

On motion by Rep. Byrd, the House returned to consideration of HB 1573.

HB 1573—A bill to be entitled An act relating to wagering; prohibiting gambling activities on vessels under certain circumstances; providing penalties; providing exceptions; amending s. 550.6305, F.S., relating to the distribution of net proceeds that are retained from the takeout on rebroadcast of certain races; revising area and conditions for application of distribution provisions; providing an effective date.

—was taken up, having been read the second time earlier today; now pending on motion by Rep. Fasano to adopt Amendment 3 to Amendment 1.

The question recurred on the adoption of **Amendment 3 to Amendment 1**, which was adopted.

The question recurred on the adoption of **Amendment 1**, as amended, which was adopted.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

On motion by Rep. Byrd, the House returned to consideration of HB 487.

HB 487 was taken up. On motion by Rep. Seiler, SB 528 was substituted for HB 487. Under Rule 5.15, the House bill was laid on the table and—

SB 528—A bill to be entitled An act relating to attorney's fees; amending s. 57.105, F.S.; providing for serving of motions seeking sanctions allowed for unsupported claims or defenses or delay of litigation; providing an effective date.

—was read the second time by title and, under Rule 10.13(b), referred to the Engrossing Clerk.

IV. Council for Smarter Government

CS/HB 1407—A bill to be entitled An act relating to capitol security; amending s. 20.201, F.S.; creating the Capitol Select Security Service within the Department of Law Enforcement; transferring the powers, duties, and functions of the Division of Capitol Police relating to security within the Capitol Complex from the Department of Management Services to the Department of Law Enforcement; creating s. 281.01, F.S.; defining the Capitol Complex; amending s. 281.02, F.S.; providing for powers and duties of the Department of Management Services with respect to firesafety and security responsibilities; amending s. 281.03, F.S.; providing for collection and retention of certain reports by the Department of Management Services; repealing s. 281.04, F.S., relating to arrest procedures of the Florida Capitol Police; repealing s. 281.05, F.S., relating to ex officio agents of the Florida Capitol Police; amending s. 281.06, F.S.; authorizing the Department of Management Services to contract with counties, municipalities, or private security agencies to maintain the security of certain public premises; amending s. 281.07, F.S.; providing for adoption of parking regulations of the Department of Management Services; amending s. 281.08, F.S.; providing for the procurement of equipment by the Department of Management Services; creating s. 943.60, F.S., to define the Capitol Complex; creating s. 943.601, F.S.; providing for the preservation of legislative powers; limiting the authority of the Department of Law Enforcement to impede such powers; providing a duty of the Capitol Select Security Service to defend such legislative powers as requested by a presiding officer of the Legislature; creating s. 943.61, F.S.; creating and providing for the powers, duties, and functions of the Capitol Select Security Service; providing that the service shall serve the needs of both the legislative and executive branches of state government; prohibiting the taking of resources of, or the decreasing of appropriations to, the Capitol Select Security Service without the approval of the Governor and the Legislative Budget Commission; requiring the establishment of security plans; requiring consultation with the Governor, members of the Cabinet, and the presiding officers of the Legislature in the development of such plans; requiring biennial approval of such plans; authorizing the implementation of unapproved plans in times of emergency; establishing other powers and duties of the Capitol Select Security Service; establishing standards for officers of the Capitol Select Security

Service; limiting authority of the Capitol Select Security Service with respect to certain legislative personnel and facilities; creating s. 943.611, F.S.; providing for the nomination and approval of the executive director of the Capitol Select Security Service; providing that the executive director serves at the pleasure of the head of the Department of Law Enforcement; requiring periodic reappointment and approval of the executive director; creating s. 943.62, F.S.; providing for investigations by the Capitol Select Security Service; creating s. 943.63, F.S.; providing that persons arrested or detained by the Capitol Select Security Service shall be delivered to the sheriff; creating s. 943.64, F.S.; providing that certain law enforcement officers may serve as ex officio agents of the Capitol Select Security Service; creating s. 943.66, F.S.; authorizing the Capitol Select Security Service to enforce certain rules of the Department of Management Services; creating s. 943.67, F.S.; providing for the procurement of equipment by the Department of Law Enforcement; renumbering and amending s. 281.20, F.S., relating to the security of the Governor and other specified persons; amending ss. 287.17 and 288.816, F.S.; correcting cross references, to conform; providing for a security inventory; providing an effective date.

—was read the second time by title.

Representative(s) Cantens offered the following:

(Amendment Bar Code: 460877)

Amendment 1 (with title amendment)—
Remove everything after the enacting clause

and insert:

Section 1. Section 20.201, Florida Statutes, is amended to read:

20.201 Department of Law Enforcement.—

(1) There is created a Department of Law Enforcement. The head of the department is the Governor and Cabinet. The executive director of the department shall be appointed by the Governor with the approval of three members of the Cabinet and subject to confirmation by the Senate. The executive director shall serve at the pleasure of the Governor and Cabinet. The executive director may establish a command, operational, and administrative services structure to assist, manage, and support the department in operating programs and delivering services.

(2) The following programs of the Department of Law Enforcement are established:

(a) Criminal Justice Investigations and Forensic Science Program.

(b) Criminal Justice Information Program.

(c) Criminal Justice Professionalism Program.

(d) Capitol Police.

Section 2. *All statutory powers, duties, and functions of the Division of Capitol Police within the Department of Management Services related to the provision of security within the Capitol Complex, as defined in section 281.01, Florida Statutes, and the support thereof, are transferred from the Department of Management Services to the Capitol Police within the Department of Law Enforcement by a type one transfer, as defined in section 20.06, Florida Statutes.*

Section 3. Effective July 1, 2002, section 281.01, Florida Statutes, is created to read:

281.01 Definitions.—For the purposes of ss. 281.01-281.08, the term "Capitol Complex" includes that portion of Tallahassee, Leon County, Florida, commonly referred to as the Capitol, the Historic Capitol, the Senate Office Building, the House Office Building, the Knott Building, the Pepper Building, the Holland Building, and the curtilage of each, including the state-owned lands and public streets adjacent thereto within an area bounded by and including Monroe Street, Jefferson Street, Duval Street, and Gaines Street. The term shall also include the State Capital Circle Office Complex located in Leon County, Florida.

Section 4. Effective July 1, 2002, section 281.02, Florida Statutes, is amended to read:

281.02 Powers and duties of the Department of Management Services *with respect to firesafety and security*~~, Florida Capitol Police~~.—The Department of Management Services~~, Florida Capitol Police,~~ has the following powers and duties *with respect to firesafety and security*:

(1) To *assist the State Fire Marshal in maintaining the firesafety of public buildings pursuant to s. 633.085* ~~establish a comprehensive and ongoing plan for the firesafety and security of the Capitol, the Senate Office Building, the House Office Building, and the Historic Capitol, including, but not limited to, the institution of programs for the awareness and training in firesafety and security of members of the Legislature and their employees, and all other elected officials and their respective employees, who occupy such buildings. The Florida Capitol Police shall also ensure that adequate signs and personnel are in place to inform and assist the occupants of and visitors to such buildings~~.

(2) To *make provision by rule, contract, lease, or interagency agreement for* ~~provide and maintain~~ the ~~firesafety and~~ security of all state-owned property leased from the Department of Management Services, excluding state universities and custodial institutions, *the Capitol Complex* ~~the Governor's office~~, the Governor's mansion and the grounds thereof, and the Supreme Court. *For these purposes, security shall include the safety and security of occupants and visitors to state-owned property, appropriate law enforcement response to complaints relating to criminal activity or security threats, the development of*

~~(3) To develop~~ emergency procedures and evacuation routes in the event of fire or disaster*,* and *ensuring that* ~~make~~ such procedures and routes *are* known to those persons occupying *such property* ~~state-owned buildings leased from the Department of Management Services~~.

(3)~~(4)~~ To employ~~:~~

~~(a) Agents who hold certification as police officers in accordance with the minimum standards and qualifications as set forth in s. 943.13 and the provisions of chapter 110, who shall have the authority to bear arms, make arrests, and apply for arrest warrants; and~~

~~(b)~~ guards and administrative, clerical, technical, and other personnel as may be required.

(4)~~(5)~~ To train *employees and make provision for the training of agents, guards, and employees of tenant agencies* ~~agents and guards~~ in *security* ~~fire prevention, firesafety,~~ and emergency ~~medical~~ procedures.

~~(6) To respond to all complaints relating to criminal activity within state-owned buildings or state-leased property.~~

(5)~~(7)~~ To *make provision for the enforcement of* ~~enforce~~ rules ~~of the Department of Management Services~~ governing the regulation of traffic and parking on state-owned ~~or state-leased~~ property, including, but not limited to, issuing citations for the violation of such rules or the traffic laws of the state or any county or municipality and impounding illegally or wrongfully parked vehicles.

(6)~~(8)~~ To delegate *or assign* ~~its~~ duties *and responsibilities furthering the provision of security as required and authorized by* ~~provided in~~ this section to any state agency occupying such state-owned ~~or state-leased~~ property. *Security requirements may be included in lease agreements or established by department rule.*

Section 5. Effective July 1, 2002, section 281.03, Florida Statutes, is amended to read:

281.03 *Incident reports and record retention* ~~Investigations by the Florida Capitol Police~~.—

~~(1) The Department of Management Services, Florida Capitol Police, shall conduct traffic accident investigations and investigations relating to felonies and misdemeanors occurring on state-owned or state-leased property. Any matters which are deemed to involve a felony may be referred to the appropriate law enforcement agency for criminal investigation. Such referrals shall include transmittal of records, reports, statements, and all other information relating to such matters.~~

~~(2)~~ The Department of Management Services~~, Florida Capitol Police,~~ shall *make provision for the collection and retention of* ~~retain~~ copies of

~~all~~ reports relating to ~~such~~ criminal activity *or other safety-related and security-related incidents occurring on state-owned property* for use in ~~the~~ ongoing ~~firesafety and~~ security *planning and to fulfill its responsibilities under* ~~plan as required in~~ s. 281.02.

Section 6. *Effective July 1, 2002, sections 281.04 and 281.05, Florida Statutes, are repealed.*

Section 7. Section 281.06, Florida Statutes, is amended to read:

281.06 Contracts with counties, municipalities, or licensed private security agencies.—The Department of Management Services~~, Florida Capitol Police,~~ may contract with *the Department of Law Enforcement, Capitol Police,* any county, municipality, or licensed private security agency to provide and maintain the security of state-owned ~~or state-leased~~ property required by ss. 281.02-281.08 upon such terms as the department may deem to be in the best interest of the state.

Section 8. Effective July 1, 2002, section 281.06, Florida Statutes, as amended by this act, is amended to read:

281.06 Contracts with counties, municipalities, or licensed private security agencies.—The Department of Management Services may contract with ~~the Department of Law Enforcement, Capitol Police,~~ any county, municipality, or licensed private security agency to provide and maintain the security of state-owned property*, and the safety and security of occupants and visitors thereof, pursuant to* ~~required by~~ ss. 281.02-281.08 upon such terms as the department may deem to be in the best interest of the state.

Section 9. Effective July 1, 2002, section 281.07, Florida Statutes, is amended to read:

281.07 Rules; Facilities Program~~, Florida Capitol Police~~; traffic regulation.—

(1) The Department of Management Services shall adopt and promulgate rules to govern the administration, operation, and management of the Facilities Program~~, Florida Capitol Police,~~ and to regulate traffic and parking on state-owned ~~or state-leased~~ property, *including the Capitol Complex,* which rules are not in conflict with any state law or county or municipal ordinance, and to carry out the provisions of ss. 281.02-281.08.

(2) Political subdivisions and municipalities may enact and enforce ordinances on the violation of traffic and parking rules provided in subsection (1).

Section 10. Section 281.08, Florida Statutes, is amended to read:

281.08 Equipment.—

~~(1)~~ The Department of Management Services~~, Florida Capitol Police,~~ is specifically authorized to purchase, sell, trade, rent, lease, and maintain all necessary equipment, ~~uniforms,~~ motor vehicles, communication systems, housing facilities, and office space, and perform any other acts necessary for the proper administration ~~and enforcement~~ of ss. 281.02-281.08, pursuant to part I of chapter 287. ~~The department may prescribe a distinctive uniform to be worn by personnel of the Florida Capitol Police in the performance of their duties pursuant to s. 281.02(7). The department may prescribe a distinctive emblem to be worn by all officers or guards of the Florida Capitol Police.~~

~~(2) It is unlawful for any unauthorized person to wear a uniform or emblem prescribed by the department for the Florida Capitol Police, or a similar uniform or emblem, or to impersonate, pretend, or represent himself or herself to be a police officer or guard of the Florida Capitol Police. Any person who violates the provisions of this subsection is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.~~

Section 11. Section 943.60, Florida Statutes, is created to read:

943.60 Definitions.—For the purposes of ss. 943.60-943.68, the term "Capitol Complex" includes that portion of Tallahassee, Leon County, Florida, commonly referred to as the Capitol, the Historic Capitol, the Senate Office Building, the House Office Building, the Knott Building, the Pepper Building, the Holland Building, and the curtilage of each, including the state-owned lands and public streets adjacent thereto within an area bounded by and including Monroe Street, Jefferson Street, Duval Street, and Gaines Street. The term shall also include the State Capital Circle Office Complex located in Leon County, Florida.

Section 12. Section 943.601, Florida Statutes, is created to read:

943.601 Preservation of legislative powers.—Except as may be agreed to by the presiding officers of both houses of the Legislature, nothing in this chapter shall limit or otherwise interfere with the rights and powers of the Senate or the House of Representatives, or the officers of either, to direct or command members or committees of the Legislature or legislative employees to attend any meeting or enter any area of the Capitol Complex for a legislative purpose, and the Capitol Police may, as provided by the security plans developed and approved under s. 943.61(4)(a), and upon request of the presiding officer of either house of the Legislature, ensure the ability of any member of the house presided over by such presiding officer to attend to such legislative business without wrongful interference from any person or government entity.

Section 13. Section 943.61, Florida Statutes, is created to read:

943.61 Powers and duties of the Capitol Police.—

(1) There is created the Capitol Police within the Department of Law Enforcement, to serve the safety and security needs of both the legislative and executive branches of state government. It is the intent of the Legislature that the Capitol Police serve as a specially trained and highly effective security and law enforcement agency serving the Capitol Complex. It shall be the primary responsibility of the Capitol Police to protect the security of the Governor, the Lieutenant Governor, the members of the Cabinet, and the members of the Senate and of the House of Representatives, and those employees assigned to assist such state officials in the performance of their official duties, and to ensure their access to buildings and premises within the Capitol Complex, thereby providing for the continuous operation of the government of the State of Florida. The provision of other law enforcement services and protection of property shall be secondary responsibilities.

(2) The Capitol Police shall also provide security and protection for other state officials, employees, and visitors to the Capitol Complex and shall maintain a reasonable degree of safety and security within the Capitol Complex while ensuring reasonable access to buildings and premises within the Capitol Complex by state officials, employees, and visitors. The Capitol Police shall also ensure that adequate signs and personnel are in place to inform and assist the occupants of and visitors to buildings within the Capitol Complex.

(3) Notwithstanding the provisions of chapter 216, no assets, personnel, or resources shall be taken from the Capital Police, and no appropriation to the Capitol Police shall be reduced without the express approval of the Governor and the Legislative Budget Commission. Nothing herein limits the ability of the Capitol Police to provide mutual aid to other law enforcement agencies as authorized by law unless such a limitation is expressly included in the operational security plans provided for herein.

(4) The Capitol Police shall have the following powers and duties:

(a) To develop, in consultation with the Governor, Cabinet officers, the President of the Senate, and the Speaker of the House of Representatives, written operational plans for basic and enhanced security measures and actions related to the Capitol Complex. Such plans and any changes or amendments thereto shall not be implemented unless presented in writing in final form to the Governor, the President of the Senate, and the Speaker of the House of Representatives and all three grant their approval in writing. The approval of any officer required herein shall expire 60 days after such officer vacates his or her office, and the written approval of the successor in office must be obtained prior to the continuation of operations under such plans. Upon the request of the Governor, a Cabinet officer, the President of the Senate, or the Speaker of the House of Representatives, the Capitol Police shall activate previously approved enhanced security measures and actions in accordance with the approved operational plans specific to the requesting officer's responsibilities and to the facilities occupied by such officer and employees responsible to such officer. Upon an emergency threatening the

immediate safety and security of occupants of the Capitol Complex, so declared by the Governor, plans not approved as required by this paragraph may be implemented for a period not to exceed 15 days, provided such plans do not substantially interfere with the ability of the Senate and the House of Representatives to assemble for any constitutional purpose.

(b) To provide and maintain the security of all property located in the Capitol Complex in a manner consistent with the security plans developed and approved under paragraph (a) and, in consultation with the State Fire Marshal, to provide for evacuations, information, and training required for firesafety on such property in a manner consistent with s. 633.085.

(c) To develop plans for reporting incidents involving buildings and property within the Capitol Complex, emergency procedures and evacuation routes in the event of fire, security threats, incidents prompting a need for evacuation, acts of terrorism, or natural or manmade disaster and to make such procedures and routes known to those persons occupying such buildings.

(d) To employ officers who hold certification as law enforcement officers in accordance with the minimum standards and qualifications as set forth in s. 943.13 and the provisions of chapter 110, and who have the authority to bear arms, make arrests, except as may be limited in the security plans established under paragraph (a), and apply for arrest warrants.

(e) To hire guards and administrative, clerical, technical, and other personnel as may be required.

(f) To train all officers and other employees in fire prevention, firesafety, emergency medical procedures, and preventing and responding to acts of terrorism.

(g) To respond to all complaints relating to criminal activity or security threats within the Capitol Complex, or against the Governor, the Lieutenant Governor, a member of the Cabinet, a member of the Senate or of the House of Representatives, or an employee assisting such official.

(h) As provided by the security plans developed and approved under paragraph (a), upon request of the presiding officer of either house of the Legislature, the director may assign one or more officers for the protection of a member of the house served by such presiding officer. Per diem and subsistence allowance for department employees traveling with a member of the Legislature away from Tallahassee shall be computed by payment of a sum up to the amounts permitted in s. 112.061 for meals, plus actual expenses for lodging to be substantiated by paid bills therefor.

(i) To enforce rules of the Department of Management Services governing the regulation of traffic and parking within the Capitol Complex and to impound illegally or wrongfully parked vehicles.

(j) To establish policies for the organizational structure, principles of command, and internal operations of the Capitol Police, provided that such policies are not inconsistent with the provisions of ss. 943.61-943.68 or the security plans developed and approved under paragraph (a).

(5) Officers of the Capitol Police may make lawful arrests, consistent with the purposes, responsibilities, and limitations set forth in ss. 943.60-943.68. However, except with the prior approval of the appropriate presiding officer, officers of the Capitol Police shall have no power to prevent the convening or continuation of any meeting of the Legislature, legislative committees, or staff, nor shall they have the power to interfere with the legislative duties or rights of a member of the Legislature, or to interfere with the constitutional duties or rights of the Governor or a member of the Cabinet, except as may be necessary to protect the health and safety of any person from a clear and present danger, or as may be otherwise provided in the security plans developed and approved for fire prevention, firesafety, and emergency medical procedures under paragraph (4)(a). No employee of the Capitol Police shall be permitted in either legislative chamber without the specific permission of the presiding officer of that house of the Legislature, but may enter in the case of an emergency when the presiding officer is not able or available to consent.

Section 14. Section 943.611, Florida Statutes, is created to read:

943.611 Director of Capitol Police.—

(1) The executive director of the Department of Law Enforcement shall nominate, no later than 7 days prior to each organization session of the Legislature, an individual to serve as the director of the Capitol Police, who shall serve at the pleasure of the executive director of the Department of Law Enforcement.

(2) Unless discharged by the executive director of the Department of Law Enforcement, the director shall serve until:

(a) A successor has been nominated; or

(b) The director has been nominated for reappointment and the time for obtaining reapproval has expired.

(3) In the event that a nominee is not approved or the director is discharged by the executive director of the department, or the position is otherwise vacant, a successor shall be nominated and approved as provided in subsection (4). No person who has previously been nominated and who failed to obtain approval shall be nominated to serve as the successor.

(4) Each person nominated pursuant to either subsection (1) or subsection (3) must be approved no later than 30 days after the adjournment sine die of the next session of the Legislature, whether organization, regular, or special session, by the Governor and by the House of Representatives and the Senate, in a manner determined by the presiding officer of each house unless an approval process is otherwise provided for in the rules of the respective house.

(5) A nominee shall serve as the acting director until the time for obtaining approval has expired.

Section 15. Section 943.62, Florida Statutes, is created to read:

943.62 Investigations by the Capitol Police.—

(1) The Capitol Police shall conduct traffic accident investigations and investigations relating to felonies and misdemeanors occurring within the Capitol Complex. Any matters may be referred to the department's special agents or inspectors or another appropriate law enforcement agency for further investigation. Such referrals shall include transmittal of records, reports, statements, and all other information relating to such matters.

(2) The Capitol Police shall retain copies of all reports relating to such criminal activity for use in the ongoing firesafety and security plan as required in s. 943.61.

Section 16. Section 943.63, Florida Statutes, is created to read:

943.63 Arrest by the Capitol Police.—A person arrested by an officer of the Capitol Police shall be delivered to the sheriff of the county in which the arrest takes place unless a notice to appear is issued.

Section 17. Section 943.64, Florida Statutes, is created to read:

943.64 Ex officio agents.—Law enforcement officers of the Department of Highway Safety and Motor Vehicles, special agents or inspectors of the Department of Law Enforcement, and law enforcement officers of other state agencies, counties, and municipalities are ex officio agents of the Capitol Police, and may, when authorized by the Capitol Police, enforce rules and laws applicable to the powers and duties of the Capitol Police to provide and maintain the security required by ss. 943.61-943.68.

Section 18. Section 943.66, Florida Statutes, is created to read:

943.66 Rules; Facilities Program, Capitol Police; traffic regulation.—The Capitol Police may enforce rules of the Department of Management Services governing the administration, operation, and management of the Facilities Program and regulating traffic and parking on state-owned buildings or property and any local ordinance on the violation of such if such rules are not in conflict with any state law or county or municipal ordinance, and are not inconsistent with the other

requirements of ss. 943.61-943.68 or any security plan developed and approved thereunder.

Section 19. Section 943.67, Florida Statutes, is created to read:

943.67 Equipment.—The department is specifically authorized to purchase, sell, trade, rent, lease, and maintain all necessary equipment, uniforms, motor vehicles, communication systems, housing facilities, and office space, and perform any other acts necessary for the proper administration and enforcement of ss. 943.61-943.68 through the Capitol Police, pursuant to part I of chapter 287. The department may prescribe a distinctive uniform to be worn by personnel of the Capitol Police in the performance of their duties pursuant to s. 943.61. The department may prescribe a distinctive emblem to be worn by all officers or guards of the Capitol Police.

Section 20. Section 281.20, Florida Statutes, is renumbered as section 943.68, Florida Statutes, and amended to read:

943.68 ~~281.20~~ Transportation and protective services.—

(1) The department ~~of Law Enforcement~~ shall provide and maintain the security of the Governor, the Governor's immediate family, and the Governor's office and mansion and the grounds thereof.

(2) The department shall employ such personnel as may be necessary to carry out this responsibility, including uniformed and nonuniformed *officers or* agents who shall have authority to bear arms and make arrests, with or without warrant, for violations of any of the criminal laws of the state, under the same terms and conditions as investigative personnel of the department, and who shall be considered peace officers for all purposes, including, but not limited to, the privileges, protections, and benefits of ss. 112.19, 121.051, 122.34, and 870.05.

(3) The executive director shall assign agents for the performance of the duties prescribed in this section. The assignment of such agents shall be subject to continuing approval of the Governor. Upon request of the Governor, the executive director shall reassign an agent from continued performance of such duties.

(4) Per diem and subsistence allowance for security personnel traveling with the Governor*,* ~~or~~ the Governor's family*, or others as authorized by this section* away from Tallahassee shall be computed by payment of a sum up to the amounts permitted in s. 112.061~~(6)(d)~~ for meals, plus actual expenses for lodging to be substantiated by paid bills therefor.

(5) The department is authorized to provide security or transportation to visiting governors and their families upon request by the Governor.

(6) The department shall provide security or transportation services to other persons when requested by the Governor, the Lieutenant Governor, a member of the Cabinet, the Speaker of the House of Representatives, the President of the Senate, or the Chief Justice of the Supreme Court, subject to certification by the agency head that such services are in the best interest of the state. The agency head may delegate certification authority to the executive director of the department. The agency head shall limit such services to persons:

(a) Who are visiting the state; for whom such services are requested by the Governor, the Lieutenant Governor, a member of the Cabinet, the Speaker of the House of Representatives, the President of the Senate, or the Chief Justice of the Supreme Court; and for whom the primary purpose of the visit is for a public purpose and to promote the development of the state; or

(b) For whom the failure to provide security or transportation could result in a clear and present danger to the personal safety of such persons or could result in public embarrassment to the state.

(7) The department is authorized to coordinate transportation and protective services provided under subsections (1), (5), and (6) with other law enforcement agencies and may request the assistance of other law enforcement agencies to carry out the duties required by subsections (1), (5), and (6). The other law enforcement agencies of the state are authorized to provide such assistance as may be requested by the department under this subsection.

(8) The department shall coordinate all protective services with the United States Department of State and the United States Secret Service when requested to do so by such agencies or by the Governor or a member of the Cabinet.

(9) The department shall submit reports on July 15 and January 15 of each year to the President of the Senate, Speaker of the House of Representatives, Governor, and members of the Cabinet, detailing all transportation and protective services provided under subsections (1), (5), and (6) within the preceding 6 months. Each report shall include a detailed accounting of the cost of such transportation and protective services, including the names of persons provided such services and the nature of state business performed.

Section 21. Paragraph (c) of subsection (2) of section 287.17, Florida Statutes, is amended to read:

287.17 Limitation on use of motor vehicles and aircraft.—

(2) The following criteria shall be considered in determining appropriate uses of motor vehicles and aircraft:

(c) Whether the Department of Law Enforcement has been directed by the agency head to provide security or transportation pursuant to s. *943.68* ~~281.20~~.

Section 22. Paragraph (g) of subsection (2) of section 288.816, Florida Statutes, is amended to read:

288.816 Intergovernmental relations.—

(2) The secretary shall be responsible for all consular relations between the state and all foreign governments doing business in Florida. The secretary shall monitor United States laws and directives to ensure that all federal treaties regarding foreign privileges and immunities are properly observed. The secretary shall promulgate rules which shall:

(g) Request the Department of Law Enforcement to provide transportation and protection services when necessary pursuant to s. *943.68* ~~281.20~~.

Section 23. *The Office of Legislative Services shall contract with a qualified outside vendor for a security inventory of facilities and personnel. The security inventory shall include information with respect to:*

(1) A listing of security options available.

(2) A listing of the proposed most efficient, cost-effective methods of providing security.

(3) Any other items with respect to security that the Legislature should consider.

Section 24. *The security inventory contract provided for in section 23 of this act is contingent upon specific funding being appropriated in HB 1943 for such contract.*

Section 25. Except as otherwise 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 security of public buildings; amending s. 20.201, F.S.; creating the Capitol Police within the Department of Law Enforcement; transferring the powers, duties, and functions of the Division of Capitol Police relating to security within the Capitol Complex from the Department of Management Services to the Department of Law Enforcement; creating s. 281.01, F.S.; defining the Capitol Complex; amending s. 281.02, F.S.; providing for powers and duties of the Department of Management Services with regard to firesafety and security responsibilities; amending s. 281.03, F.S.; providing for collection and retention of certain reports by the Department of Management Services; repealing s. 281.04, F.S., relating

to arrest procedures of the Florida Capitol Police; repealing s. 281.05, F.S., relating to ex officio agents of the Florida Capitol Police; amending s. 281.06, F.S.; allowing contracts with the Department of Law Enforcement; authorizing the Department of Management Services to contract with counties, municipalities, or private security agencies to maintain the security of certain public premises; amending s. 281.07, F.S.; providing for adoption of parking regulations of the Department of Management Services; amending s. 281.08, F.S.; providing for the procurement of equipment by the Department of Management Services; creating s. 943.60, F.S., to define the Capitol Complex; creating s. 943.601, F.S.; providing for the preservation of legislative powers; limiting the authority of the Department of Law Enforcement to impede such powers; providing a duty of the Capitol Police to ensure such legislative powers as requested by a presiding officer of the Legislature; creating s. 943.61, F.S.; providing for the powers, duties, and functions of the Capitol Police; providing that the Capitol Police shall serve the needs of both the legislative and executive branches of state government; prohibiting the taking of resources of, or the decreasing of appropriations to, the Capitol Police without the approval of the Governor and the Legislative Budget Commission; requiring the development and approval of security plans; requiring consultation with the Governor, members of the Cabinet, and the presiding officers of the Legislature in the development of such plans; requiring biennial approval of such plans; authorizing the implementation of unapproved plans in times of emergency; establishing other powers and duties of the Capitol Police; establishing standards for officers of the Capitol Police; limiting authority of the Capitol Police with respect to certain legislative personnel and facilities; creating s. 943.611, F.S.; providing for the nomination and approval of the director of the Capitol Police; providing that the director serves at the pleasure of the executive director of the Department of Law Enforcement; requiring periodic reappointment and approval of the director; creating s. 943.62, F.S.; providing for investigations by the Capitol Police; creating s. 943.63, F.S.; providing that persons arrested by the Capitol Police shall be delivered to the sheriff; creating s. 943.64, F.S.; providing that certain law enforcement officers may serve as ex officio agents of the Capitol Police; creating s. 943.66, F.S.; authorizing the Capitol Police to enforce certain rules of the Department of Management Services; creating s. 943.67, F.S.; providing for the procurement of equipment by the Department of Law Enforcement; renumbering and amending s. 281.20, F.S., relating to the security of the Governor and other specified persons; amending ss. 287.17 and 288.816, F.S.; correcting cross-references, to conform; providing for a security inventory, contingent upon an appropriation; providing effective dates.

Rep. Cantens moved the adoption of the amendment.

On motion by Rep. Dockery, under Rule 12.2(c), the following late-filed amendment to the amendment was considered.

Representative(s) Dockery and Cantens offered the following:

(Amendment Bar Code: 401263)

Amendment 1 to Amendment 1 (with title amendment)—On page 2, between lines 13 and 14 of the amendment

insert:

Section 3. *Funds shall be transferred quarterly, beginning July 1, 2002, by the Department of Management Services, from the Supervision Trust Fund, to the Florida Department of Law Enforcement for the purpose of funding the Capitol Police program. Funds are provided from the office space rental receipts assessed to tenant agencies in the Florida Facilities Pool, based on the rental assessment mandated in section 255.51, Florida Statutes. Transfers shall be based on the existing rental rate on July 1, 2002, unless otherwise appropriated by the legislature.*

And the title is amended as follows:

On page 19, line 28 of the amendment, after the semicolon

and insert: providing transfer of funds;

Rep. Dockery moved the adoption of the amendment to the amendment, which was adopted.

The question recurred on the adoption of **Amendment 1**, as amended, which was adopted.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

CS/HB 795—A bill to be entitled An act relating to wrongful death; amending s. 768.21, F.S.; specifying conditions for the determination of whether there is a surviving spouse under certain circumstances; providing an effective date.

—was read the second time by title.

On motion by Rep. Seiler, under Rule 12.2(c), the following late-filed amendment was considered.

Representative(s) Seiler offered the following:

(Amendment Bar Code: 044201)

Amendment 1—On page 1, lines 22-24,
remove: all of said lines

and insert: *die within 30 days of one another as a result of the same wrongful act or series of acts arising out of the same incident, each spouse is considered to*

Rep. Seiler moved the adoption of the amendment, which was adopted.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

CS/HB 1205—A bill to be entitled An act relating to publication information; creating s. 283.551, F.S.; prohibiting government agencies from mailing general unsolicited reports to any person in the state; providing exceptions; providing an effective date.

—was read the second time by title.

Representative(s) Haridopolos offered the following:

(Amendment Bar Code: 155665)

Amendment 1 (with title amendment)—
Remove everything after the enacting clause

and insert:

Section 1. Section 283.551, Florida Statutes, is created to read:

283.551 Unsolicited distribution of general reports by mail prohibited; exceptions.—

(1) Unless otherwise required by law, no agency shall mail an unsolicited copy of a general report or newsletter by United States Postal Service, or other method of delivery, except e-mail, to any person, including an elected or appointed officer or governmental employee, or to any state or local governmental entity.

(2) An agency shall send to any person, including an elected or appointed officer or governmental employee, or to any state or local governmental entity, a copy of a general report or newsletter by United States Postal Service, by e-mail, or other method of delivery:

(a) Upon a specific request for a particular report or newsletter; or

(b) Upon a general request to receive all agency reports or newsletters, which request must be renewed as provided in s. 283.55.

(3) A request for a report or newsletter must state whether the recipient wishes to receive the document by regular mail, by e-mail, or other method of delivery.

(4) An agency may post any general report on its Internet website.

Section 2. This act shall take effect upon becoming a law.

And the title is amended as follows:

On page 1, lines 2 through 7,
remove: all of said lines

and insert: An act relating to publication information; creating s. 283.551, F.S.; prohibiting government agencies from mailing general unsolicited reports to any person in the state; providing exceptions; providing an effective date.

Rep. Haridopolos moved the adoption of the amendment.

On motion by Rep. Haridopolos, under Rule 12.2(c), the following late-filed amendment to the amendment was considered.

Representative(s) Haridopolos offered the following:

(Amendment Bar Code: 512799)

Amendment 1 to Amendment 1—On page 1, lines 21 through 26, remove: all of said lines

and insert: *(1) Unless otherwise authorized by law, no agency shall mail an unsolicited copy of a general report or newsletter by United States Postal Service, or other method of delivery, except e-mail, to any person, including an elected or appointed officer or governmental employee, or to any state or local governmental entity. Nothing in this section applies to regulatory newsletters provided to affected persons or to reports or newsletters relating to the prevention or treatment of disease or injury.*

Rep. Haridopolos moved the adoption of the amendment to the amendment, which was adopted.

The question recurred on the adoption of **Amendment 1**, as amended, which was adopted.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

HB 1327—A bill to be entitled An act relating to bail bond agents; renaming ch. 648, F.S.; amending s. 648.25, F.S.; deleting and revising definitions; amending s. 648.27, F.S.; requiring managing general agents and certain representatives of entities to be licensed as bail bond agents; creating s. 648.275, F.S.; defining "bail bond agency"; requiring certain persons to be licensed as bail bond agents; providing for suspension of operations for noncompliance; providing for issuance of temporary permits; amending s. 648.29, F.S.; revising provisions relating to build-up funds; requiring certain moneys to be maintained in specified federally approved accounts; requiring insurers to provide certain financial information to bail bond agents and agencies; amending s. 648.30, F.S.; revising provisions relating to licensure and appointment of bail bond agents; deleting references to runners and including references to entities; creating s. 648.335, F.S.; specifying public policy with respect to criminal surety bail bonds; amending s. 648.34, F.S.; revising requirements for qualification as a bail bond agent; deleting references to runners; amending s. 648.355, F.S.; revising provisions relating to requirements for issuance of temporary limited licenses for limited surety and professional bail bond agents; requiring supervising bail bond agents to certify employment information of temporary bail bond agents to the Department of Insurance; providing a penalty; amending s. 648.36, F.S.; requiring persons licensed under ch. 648, F.S., to maintain certain records; revising a provision relating to access to certain records by the public; amending s. 648.381, F.S.; requiring mandatory classroom instruction prior to reexamination for applicants under certain circumstances; amending s. 648.382, F.S.; requiring additional information prior to appointment of bail bond agents and temporary bail bond agents; deleting references to runners; amending s. 648.385, F.S.; deleting an obsolete provision; amending s. 648.386, F.S.; increasing the required number of hours of continuing education; increasing the required number of years' experience for approval as a supervising instructor; creating s. 648.387, F.S.; requiring designation of a primary bail bond agent and notification thereof to the department; providing a definition; providing duties of a primary bail bond agent; authorizing the department to suspend or revoke licenses under certain circumstances; amending s. 648.388, F.S.; requiring additional information upon appointment of a managing general agent; providing requirements for maintenance of records and location of office; amending s. 648.44, F.S.; adding specified prohibited activities; deleting references to runners; amending s. 648.441, F.S.; increasing a fine for furnishing supplies to an unlicensed bail bond agent; amending s. 648.442, F.S.; revising provisions relating to collateral security; amending s. 648.4425, F.S.; revising provisions relating to informational notices to include a statement of surrender and providing conditions therefor; amending s. 648.45, F.S.; providing additional causes for denial, suspension, revocation, or refusal to renew a license or appointment issued under ch. 648, F.S.; amending s. 648.52, F.S.; increasing fines for violations of ch. 648, F.S.; creating s. 648.525, F.S.; authorizing the department to conduct certain proceedings and to impose civil assessments; amending s. 648.571, F.S.; revising provisions relating to requests for discharge of bonds; authorizing a bail bond agent to charge certain fees; increasing a fine for violation of s. 648.571, F.S.; amending ss. 624.501, 648.31, 648.383, 648.384, 648.39, 648.41, 648.50, and 843.021, F.S.; conforming language; amending s. 624.523, F.S.; deleting an obsolete reference and conforming language; repealing s. 648.37, F.S., relating to qualifications for runners; providing for severability; providing an effective date.

—was read the second time by title.

Representative(s) Garcia offered the following:

(Amendment Bar Code: 543291)

Amendment 1 (with title amendment)—On page 4, between lines 2 and 3,

insert:

Section 2. Section 648.24, Florida Statutes, is created to read:

648.24 Declaration of public policy.—It is the public policy of this state and the intent of the Legislature that a bond for which fees or premiums are charged must be executed by a bail bond agent licensed pursuant to this chapter in connection with the pretrial or appellate release of a criminal defendant and shall be construed as a commitment by and obligation upon the bail bond agent to ensure that the defendant appears at all subsequent criminal proceedings.

And the title is amended as follows:

On page 1, line 3, after the first semicolon,

insert: creating s. 648.24, F.S.; providing a declaration of public policy;

Rep. Garcia moved the adoption of the amendment, which was adopted.

Representative(s) Garcia offered the following:

(Amendment Bar Code: 534323)

Amendment 2—On page 4, line 3 through page 5, line 11, remove: all of said lines

and insert:

Section 2. Section 648.25, Florida Statutes, is amended to read:

648.25 Definitions.—*As* ~~The following words when~~ used in this chapter*, the term* ~~have the meanings respectively ascribed to them in this section~~:

(1) "Bail bond agency" means:

(a) The building where a licensee maintains an office and where all records required by ss. 648.34 and 648.36 are maintained; or

(b) An entity that:

1. Charges a fee or premium to release an accused defendant or detainee from jail; or

2. Engages in or employs others to engage in any activity that may be performed only by a licensed and appointed bail bond agent.

(2)~~(1)~~ "Bail bond agent" means a limited surety agent or a professional bail bond agent as hereafter defined.

(3)~~(2)~~ "Department" means the Department of Insurance.

(4)~~(3)~~ "Managing general agent" means any individual, partnership, association, or corporation appointed or employed by an insurer to

supervise or manage the bail bond business written in this state by limited surety agents appointed by the insurer.

(5)~~(4)~~ "Insurer" means any domestic, foreign, or alien surety company which has been authorized to transact surety business in this state.

~~(5) "Agency" means any business location at which a licensed and appointed bail bond agent engages in any activity or employs individuals to engage in any activity which by law may be performed only by a licensed and appointed bail bond agent.~~

(6) "Limited surety agent" means any individual appointed by an insurer by power of attorney to execute or countersign bail bonds in connection with judicial proceedings who receives or is promised money or other things of value therefor.

(7) "Primary bail bond agent" means a licensed bail bond agent who is responsible for the overall operation and management of a bail bond agency location and whose responsibilities include hiring and supervising all individuals within that location. A bail bond agent may be designated as primary bail bond agent for only one bail bond agency location.

(8)~~(7)~~ "Professional bail bond agent" means any person who pledges United States currency, United States postal money orders, or cashier's checks as security for a bail bond in connection with a judicial proceeding and receives or is promised therefor money or other things of value.

~~(8) "Runner" means a person employed by a bail bond agent, insurer, or managing general agent for the purpose of assisting the bail bond agent in presenting the defendant in court when required or employed by the bail bond agent to assist in the apprehension and surrender of the defendant to the court or keeping the defendant under necessary surveillance. This does not affect the right of a bail bond agent or insurer to hire counsel or to obtain the assistance of law enforcement officers.~~

(9) "Temporary bail bond agent" means a person employed by a bail bond agent *or agency*, insurer, or managing general agent, and such licensee *has* ~~shall have~~ the same authority *as* ~~conferred and authorized by law upon~~ a licensed bail bond agent*, including* ~~which shall include~~ presenting defendants in court*;*~~,~~ apprehending, arresting, and surrendering defendants to the proper authorities, *while accompanied by a supervising bail bond agent or an agent from the same agency;* and keeping defendants under necessary surveillance.~~;~~ However, a temporary licensee *may not* ~~shall not have the authority to~~ execute or sign bonds, handle collateral receipts, or deliver bonds to appropriate authorities. A temporary licensee may not operate an agency or branch agency separate from the location of the supervising bail bond agent, managing general agent, or insurer by whom the licensee is employed. This does not affect the right of a bail bond agent or insurer to hire counsel or to obtain the assistance of law enforcement officers.

Rep. Garcia moved the adoption of the amendment, which was adopted.

Representative(s) Garcia offered the following:

(Amendment Bar Code: 610291)

Amendment 3 (with title amendment)—On page 6, line 3, through page 7, line 10,
remove: all of said lines

and insert:

648.275 Bond agency; ownership requirements.—

(1) A person may not own, control, or otherwise have a pecuniary interest in a bail bond agency unless such individual is a licensed and appointed bail bond agent. Any agency that is not in compliance with this subsection shall be subject to the issuance of an immediate final order of suspension of all operations until the agency achieves compliance.

(2) If the owner of a bail bond agency dies or becomes mentally incapacitated, a personal representative or legal guardian may be issued a temporary permit to manage the affairs of the bail bond agency. Such person must appoint or maintain the appointment of a primary bail bond agent, as provided in s. 648.387, and may not engage in any activities as a licensed bail bond agent but must comply with s. 648.387 during the administration of the estate or guardianship. A temporary permit is valid for a maximum of 24 months.

(3) Application for a temporary permit must be made by the personal representative or legal guardian upon statements and affidavits filed with the department on forms prescribed and furnished by the department. The applicant must meet the qualifications for licensure as a bail bond agent, except for the residency, examination, education, and experience requirements.

And the title is amended as follows:

On page 1, line 8,
remove: all of said line

and insert: 648.275, F.S.;

Rep. Garcia moved the adoption of the amendment, which was adopted.

Representative(s) Garcia offered the following:

(Amendment Bar Code: 060805)

Amendment 4 (with title amendment)—On page 9, line 24, through page 10, line 3,
remove: all of said lines

And the title is amended as follows:

On page 1, lines 22-24,
remove: all of said lines

and insert: to entities; amending s. 648.34,

Rep. Garcia moved the adoption of the amendment, which was adopted.

Representative(s) Garcia offered the following:

(Amendment Bar Code: 563683)

Amendment 5 (with title amendment)—On page 20, line 27, through page 21, line 6,
remove: all of said lines

and renumber subsequent subsections

And the title is amended as follows:

On page 2, lines 23 & 24,
remove: all of said lines

and insert: department;

Rep. Garcia moved the adoption of the amendment, which was adopted.

Representative(s) Garcia offered the following:

(Amendment Bar Code: 253063)

Amendment 6—On page 29, line 20, of the bill

after "(b)," insert: *paragraph (1)(c),*

Rep. Garcia moved the adoption of the amendment, which was adopted.

Representative(s) Garcia offered the following:

(Amendment Bar Code: 693987)

Amendment 7 (with title amendment)—On page 30, line 13,
remove: all of said line

and insert:
775.082 or s. 775.083*, except that the violator is subject to a fine not to exceed $5,000 in addition to, or in lieu of, any term of imprisonment*.

And the title is amended as follows:

On page 3, line 2,
remove: increasing

and insert: establishing

Rep. Garcia moved the adoption of the amendment, which was adopted.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

CS/HB 1323—A bill to be entitled An act relating to the Florida Minority Business Loan Mobilization Program; creating s. 288.706, F.S.; providing legislative findings and intent; creating the Florida Minority Business Loan Mobilization Program for certain purposes; providing for program administration by the Department of Management Services; authorizing state agencies to disburse a certain amount of a contract award to assist certain minority business enterprise vendors in obtaining working capital financing; authorizing professional services vendors to apply for a specified percentage of a base contract amount; specifying procedures for the program; providing for working capital agreements and lines of credit; providing requirements and limitations; providing requirements for prime contract vendors; providing requirements for subcontract vendors; providing contracting state agency requirements and limitations; authorizing the department to adopt rules; requiring the department to maintain a listing of participating financial institutions; providing an effective date.

—was read the second time by title.

Representative(s) Kallinger offered the following:

(Amendment Bar Code: 132517)

Amendment 1—On page 2, line 29,
remove: *In*

and insert: *Notwithstanding ss. 215.422(14) and 216.181(16), and pursuant to s. 216.351, in*

Rep. Kallinger moved the adoption of the amendment, which was adopted.

Representative(s) Kallinger offered the following:

(Amendment Bar Code: 740179)

Amendment 2—On page 6, line 1, after *vendor*

insert: *and the participating financial institution*

Rep. Kallinger moved the adoption of the amendment, which was adopted.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

CS/HB 1673—A bill to be entitled An act relating to a public records exemption for social security numbers; amending s. 119.07, F.S.; creating an exemption from public records requirements for social security numbers held by an agency or its agents, employees, or contractors; providing exceptions to the exemption; providing requirements and restrictions with respect to collection and disclosure of social security numbers by an agency; providing for review of social security numbers collected prior to the effective date of the exemption; providing conditions under which social security numbers may be provided to a commercial entity; providing a criminal penalty for false representation in order to obtain, or unlawful disclosure of, social security numbers; requiring annual agency reports; providing for future review and repeal; providing retroactive application of the exemption; providing a statement of public necessity; providing an effective date.

—was read the second time by title.

Representative(s) Brummer offered the following:

(Amendment Bar Code: 192305)

Amendment 1 (with title amendment)—
Remove everything after the enacting clause

and insert:

Section 1. Section 119.072, Florida Statutes, is created to read:

119.072 Social Security number exemption.—

(1) Effective October 1, 2002, all social security numbers held by an agency or its agents, employees, or contractors are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This exemption applies to all social security numbers held by an agency and its agents, employees, or contractors before, on, or after the effective date of this exemption.

(2) Social security numbers may be disclosed to another governmental entity or its agents, employees, or contractors if disclosure is necessary for the receiving entity to perform its duties and responsibilities. The receiving governmental entity and its agents, employees, and contractors shall maintain the confidential and exempt status of such numbers.

(3) An agency shall not deny a commercial entity engaged in the performance of a commercial activity as defined in s. 14.203 or its agents, employees, or contractors access to social security numbers, provided the social security numbers will be used only in the normal course of business for legitimate business purposes, and provided the commercial entity makes a written request for social security numbers, verified as provided in s. 92.525, legibly signed by an authorized officer, employee, or agent of the commercial entity. The verified written request must contain the commercial entity's name, business mailing and location addresses, business telephone number, and a statement of the specific purposes for which it needs the social security numbers and how the social security numbers will be used in the normal course of business for legitimate business purposes. The aggregate of these requests shall serve as the basis for the agency report required in subsection (7). An agency may request any other information as may be reasonably necessary to verify the identity of the entity requesting the social security numbers and the specific purposes for which such numbers will be used, however, an agency has no duty to inquire beyond the information contained in the verified written request. A legitimate business purpose includes verification of the accuracy of personal information received by a commercial entity in the normal course of its business; use in a civil, criminal, or administrative proceeding; use for insurance purposes; use in law enforcement and investigation of crimes; use in identifying and preventing fraud; use in matching, verifying, or retrieving information; and use in research activities. A legitimate business purpose does not include the display or bulk sale of social security numbers to the general public or the distribution of such numbers to any customer that is not identifiable by the distributor.

(4) Any person who makes a false representation in order to obtain a social security number pursuant to this section, or any person who willfully and knowingly violates the provisions of this section, commits a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083. Any public officer who violates any provision of this section is guilty of a noncriminal infraction, punishable by a fine not exceeding $500. A commercial entity that provides access to public records containing social security numbers in accordance with this section, is not subject to the penalty provisions of this subsection.

(5) On or after October 1, 2002, if any final judgment, court order, or docket sheet contains a social security number, then that number shall be entered on a separate page from the rest of the judgment, order, or docket sheet and shall be maintained as a separate attachment, which shall not be filed with or recorded by the county recorder in the official records. The separate attachments containing social security numbers are available to other governmental entities and to commercial entities as provided for in this section. If a social security number is or has been included in a pleading filed in a court file before, on, or after October 1, 2002, such number may be included as part of the court record available for public inspection and copying unless redaction is requested in a signed written request specifying the case name, case number, and the pleading heading and page number, and delivered by mail, facsimile, or electronic transmission, or delivered in person, to the clerk of the court. No fee will be charged for the redaction of a social security number pursuant to such request.

(6)(a) On or after October 1, 2002, no person preparing or filing a document to be recorded in the official records by the county recorder as provided for in chapter 28 may include any person's social security number in that document, unless otherwise expressly required by law. If a social security number is or has been included in a document presented to the county recorder for recording in the official records of the county before, on, or after October 1, 2002, it may be made available as part of the official record available for public inspection and copying.

(b) Any person has a right to request, in writing, that a county recorder remove, from an image or copy of an official record placed on a county recorder's publicly available Internet website or a publicly available Internet website used by a county recorder to display public records or otherwise made electronically available to the general public by such recorder, any social security number contained in that official record. Such request must be made in writing and delivered by mail, facsimile, or electronic transmission, or delivered in person, to the county recorder. The request must specify the identification page number that contains the social security number to be redacted. No fee will be charged for the redaction of a social security number pursuant to such request.

(c) A county recorder shall immediately and conspicuously post signs throughout his or her offices for public viewing; shall immediately and conspicuously post a notice on any Internet website or remote electronic site made available by the county recorder and used for the ordering or display of official records or images or copies of official records; and shall, prior to October 1, 2002, publish on two separate dates in a newspaper of general circulation in the county where the county recorder's office is located as provided for in chapter 50, a notice, stating, in substantially similar form, the following:

1. On or after October 1, 2002, any person preparing or filing a document for recordation in the official records may not include a social security number in such document, unless required by law.

2. Any person has a right to request a county recorder to remove, from an image or copy of an official record placed on a county recorder's publicly available Internet website or on a publicly available Internet website used by a county recorder to display public records or otherwise made electronically available to the general public, any social security number contained in an official record. Such request must be made in writing and delivered by mail, facsimile, or electronic transmission, or delivered in person, to the county recorder. The request must specify the identification page number that contains the social security number to be redacted. No fee will be charged for the redaction of a social security number pursuant to such a request.

(7) Beginning January 31, 2004, and each January 31 thereafter, every agency must file a report with the Secretary of State, the President of the Senate, and the Speaker of the House of Representatives listing the identity of all commercial entities that have requested social security numbers during the preceding calendar year and the specific purpose or purposes stated by each commercial entity regarding its need for social security numbers. If no disclosure requests were made, the agency shall so indicate.

(8) The Legislature acknowledges that the social security number was never intended to be used for business purposes but was intended to be used solely for the administration of the federal Social Security System. The Legislature is further aware that over time this unique numeric identifier has been used extensively for identity verification purposes and other legitimate consensual purposes. The Legislature is also cognizant of the fact that the social security number can be used as a tool to perpetuate fraud against a person and to acquire sensitive personal, financial, medical, and familial information, the release of which could cause great financial or personal harm to an individual. The Legislature intends to monitor the commercial use of social security numbers held by state agencies in order to maintain a balanced public policy.

(9) An agency shall not collect an individual's social security number unless authorized by law to do so or unless the collection of the social security number is otherwise imperative for the performance of that agency's duties and responsibilities as prescribed by law. Social security numbers collected by an agency must be relevant to the purpose for which collected and shall not be collected until and unless the need for social security numbers has been clearly documented. An agency that collects social security numbers shall also segregate that number on a separate page from the rest of the record, or as otherwise appropriate, in order that the social security number be more easily redacted, if required, pursuant to a public records request. An agency collecting a person's social security number shall, upon that person's request, at the time of or prior to the actual collection of the social security number by that agency, provide that person with a statement of the purpose or purposes for which the social security number is being collected and used. Social security numbers collected by an agency shall not be used by that agency for any purpose other than the purpose stated. Social security numbers collected by an agency prior to the effective date of this act shall be reviewed for compliance with this subsection. If the collection of a social security number prior to the effective date of this act is found to be unwarranted, the agency shall immediately discontinue the collection of social security numbers for that purpose.

(10) Any affected person may petition the circuit court for an order directing compliance with this section.

(11) The provisions of this section do not supersede any other applicable public records exemptions existing prior to the effective date of this act or created thereafter.

(12) This section is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, and shall stand repealed October 2, 2007, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. *The Legislature finds that it is a public necessity that social security numbers held by an agency be made confidential and exempt from public disclosure because such numbers are of a sensitive personal nature and are often the link to an individual's personal, financial, medical, or familial records. The social security number is the only nationwide, unique numeric form of identification in existence in the United States. Release of a social security number is of concern due to the amount of sensitive personal information which can be acquired by its use. The disclosure of such number can provide access to private information about a person which could be used to perpetrate fraud upon that person or otherwise cause great harm to that person and his or her family. Additionally, public disclosure of the social security number constitutes an unwarranted invasion into the life and personal privacy of a person. Thus, the harm from disclosing such number outweighs any public benefit that can be derived from widespread and unregulated public access to such number. However, responsible commercial use of the social security number does not result in personal or financial harm to a person but allows more complete identity verification, thereby enhancing the mutual benefits of the commercial relationship. Accordingly, the Legislature finds that an exception to the exemption for commercial entities is warranted.*

Section 3. This act shall take effect upon becoming law. For purposes of codifying the Florida Statutes 2002, the Division of Statutory Revision of the Office of Legislative Services is directed to substitute the effective date of the Council Substitute for House Bill 1673 for the language "the effective date of this act" as used in subsections (9) and (11) of Council Substitute for House Bill 1673.

And the title is amended as follows:

On page 1, lines 3 through 18,
remove: all of said lines

and insert: for social security numbers; creating s. 119.072, F.S.; creating an exemption from public records requirements for all social security numbers held by an agency or its agents, employees, or contractors; providing exceptions to the exemption; providing conditions under which social security numbers may be provided to a commercial entity; providing for civil and criminal penalties; providing requirements and restrictions with respect to collection and disclosure of social security numbers by an agency; providing for review of social security numbers collected prior to the effective date of the exemption; restricting the release of social security numbers contained in official records; providing certain notice requirements and requiring publication of notice by county recorders; requiring annual agency

Rep. Brummer moved the adoption of the amendment.

On motion by Rep. Brummer, under Rule 12.2(c), the following late-filed amendment to the amendment was considered.

Representative(s) Brummer offered the following:

(Amendment Bar Code: 381465)

Amendment 1 to Amendment 1—On page 3, line 26 through page 4, line 26,
remove: all of said lines

and insert: *section. Except for final judgments, court orders, or docket sheets, if a social security number is or has been otherwise included in a court file before, on, or after October 1, 2002, such number may be included as part of the court record available for public inspection and copying unless redaction is requested by the holder of the social security number, or his or her attorney or legal guardian, in a legibly signed written request specifying the case name, case number, and the document heading and page number, and delivered by mail, facsimile, or electronic transmission, or delivered in person, to the clerk of the court. The clerk of the court shall have no duty to inquire beyond the written request to verify the identity of a person requesting redaction. No fee will be charged for the redaction of a social security number pursuant to such request.*

(6)(a) On or after October 1, 2002, no person preparing or filing a document to be recorded in the official records by the county recorder as provided for in chapter 28 may include any person's social security number in that document, unless otherwise expressly required by law. If a social security number is or has been included in a document presented to the county recorder for recording in the official records of the county before, on, or after October 1, 2002, it may be made available as part of the official record available for public inspection and copying.

(b) Any person, or his or her attorney or legal guardian, has the right to request that a county recorder remove, from an image or copy of an official record placed on a county recorder's publicly available Internet website or a publicly available Internet website used by a county recorder to display public records or otherwise made electronically available to the general public by such recorder, his or her social security number contained in that official record. Such request must be made in writing, legibly signed by the requestor and delivered by mail, facsimile, or electronic transmission, or delivered in person, to the county recorder. The request must specify the identification page number that contains the social security number to be redacted. The county recorder shall have no duty to inquire beyond the written request to verify the identity of a person requesting redaction. No fee will be charged

Rep. Brummer moved the adoption of the amendment to the amendment, which was adopted.

The question recurred on the adoption of **Amendment 1**, as amended, which was adopted.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

CS/HB 1679—A bill to be entitled An act relating to public records; creating the Study Committee on Public Records; providing for membership and organization of the committee; providing purpose, duties, and responsibilities of the committee; requiring a report; providing for expiration of the committee; amending s. 28.2221, F.S., relating to electronic access to official records; revising declared state purpose with respect to such access; providing limitations with respect to a specified Internet index of documents; providing that county recorders may not place images or copies of specified public records on a publicly available Internet website for general public display; requiring that such records placed on the Internet prior to the effective date of the act be removed upon request; providing that affected persons may petition the court for an order of compliance; requiring clerks of court to provide for electronic retrieval of images of certain documents by a specified date; providing an appropriation; providing an effective date.

—was read the second time by title.

Representative(s) Brummer offered the following:

(Amendment Bar Code: 854939)

Amendment 1—On page 1, line 31 through page 2, line 11,
remove: all of said lines

and insert: *Records. The committee shall be composed of twenty-two members, nine of whom will serve in an advisory, nonvoting capacity, as follows:*

(a) The Governor shall appoint one at-large member who is a resident of the state, one attorney with expertise in Florida's public records and privacy laws, a representative from the First Amendment Foundation, and a representative of the data aggregation industry. To serve in an advisory capacity, the Governor shall appoint a representative from the Florida Department of Law Enforcement, a representative from the Department of Children and Family Services, a representative from the Department of Juvenile Justice, and a representative from the Department of Education.

Rep. Brummer moved the adoption of the amendment, which was adopted.

Representative(s) Brummer offered the following:

(Amendment Bar Code: 174309)

Amendment 2 (with title amendment)—On page 9, line 13 through page 10, line 4 ,
remove: all of said lines

and insert: *(5)(a) No county recorder or clerk of the court may place an image or copy of a public record, including an official record, on a publicly available Internet website for general public display if that image or copy is of a military discharge; death certificate; or a court file, record, or paper relating to matters or cases governed by the Florida Rules of Family Law, the Florida Rules of Juvenile Procedure, or the Florida Probate Rules.*

(b) Any records specified in this subsection made available by the county recorder or clerk of the court on a publicly available Internet website for general public display prior to the effective date of this act must be removed if the affected party identifies the record and requests that it be removed. Such request must be in writing and delivered by mail, facsimile, or electronic transmission, or in person to the county recorder or clerk of the court. The request must specify the identification page number of the document to be removed. No fee may be charged for the removal of a document pursuant to such request.

(c) No later than 30 days after the effective date of this act, notice of the right of any affected party to request removal of records pursuant to this subsection shall be conspicuously and clearly displayed by the county recorder or clerk of the court on the publicly available Internet website on which images or copies of the county's public records are placed and in the office of each county recorder or clerk of the court. In addition, no later than 30 days after the effective date of this act, the county recorder or the clerk of the court must have published, on two separate dates, a notice of such right in a newspaper of general circulation in the county where the county recorder's office is located as provided for in chapter 50. Such notice must contain appropriate instructions for making the removal request in person, by mail, by facsimile, or by electronic transmission. The notice shall state, in substantially similar form, that any person has a right to request that a county recorder or clerk of the court remove an image or copy of a public record, including an official record, from a publicly available Internet website if that image or copy is of a military discharge; death certificate; or a court file, record, or paper relating to matters or cases governed by the Florida Rules of Family Law, the Florida Rules of Juvenile Procedure, or the Florida Probate Rules. Such request must be made in writing and delivered by mail, facsimile, or electronic transmission, or in person to the county recorder or clerk of the court. The request must identify the document identification page number of the document to be removed. No fee will be charged for the removal of a document pursuant to such request.

(d) Any affected person may petition the circuit court for an order directing compliance with this subsection.

(e) By January 1, 2006, each county recorder *or clerk of the court* shall provide for electronic retrieval, at a minimum, of images of documents referenced as the index required to be maintained on the county's official records website by this section.

Section 3. *There is hereby appropriated from the General Revenue Fund to the Executive Office of the Governor the sum of $25,000 for the purpose of reimbursement for per diem and travel expenses as authorized by this act.*

Section 4. This act shall take effect upon becoming a law. For purposes of codifying the Florida Statutes 2002, the Division of Statutory Revision of the Office of Legislative Services is directed to substitute the effective date of House Bill 1679 for the language "the effective date of this act" as used in subsection (5)(b) and (5)(c) of House Bill 1679.

And the title is amended as follows:

On page 1, line 19,
remove: all of said line

and insert: request; providing certain notice requirements and requiring publication of notice by county recorders and clerks of the court; providing that affected persons may

Rep. Brummer moved the adoption of the amendment, which was adopted.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

CS/HB 1763—A bill to be entitled An act relating to juvenile justice; amending s. 984.03, F.S.; revising definitions; repealing s. 984.03(3), (11), (16), (21), (38), (48), and (51), F.S., relating to definitions of "addictions receiving facility," "child who has been found to have committed a delinquent act," "delinquency program," "diligent efforts of social service agency," "next of kin," "serious or habitual juvenile offender program," and "staff-secure shelter"; amending s. 984.09, F.S.; allowing for shelter stay for contempt of court by children in need of services; authorizing referral to the Department of Children and Family Services under certain circumstances; providing for assessment of a child for placement in specified programs or facilities; amending ss. 984.05 and 984.10, F.S.; conforming cross references; amending s. 984.12, F.S.; revising provisions relating to case staffings and case plans; repealing s. 984.14(8), F.S., relating to time limitation on placement in a staff-secure facility; amending s. 984.15, F.S.; adding the contracted provider of services to those who may request the Department of Juvenile Justice to file a petition for a child in need of services; correcting a cross reference; amending s. 984.225, F.S.; providing for extended shelter placement and removing reference to staff-secure shelters; amending s. 984.226, F.S.; removing reference to staff-secure shelters; amending s. 985.03, F.S.; revising definitions; repealing s. 985.03(34), (51), and (52), F.S., relating to definitions of "licensed health care professional," "shelter hearing," and "staff-secure shelter"; amending s. 985.201, F.S.; revising provisions relating to the period of jurisdiction in juvenile cases; clarifying circumstances under which jurisdiction may be retained; amending s. 985.207, F.S.; revising circumstances under which a child may be taken into custody; revising provisions relating to detention, to conform; amending s. 985.2075, F.S.; conforming a reference; amending s. 985.213, F.S.; adding an act of terrorism to the list of considerations relating to the use of detention; providing exceptions relating to the use of detention; revising provisions relating to detention, to conform; amending s. 985.214, F.S., relating to prohibited uses of detention, to conform; amending s. 985.215, F.S.; allowing a child charged with an act of terrorism to be placed in secure detention; revising provisions relating to detention, to conform; clarifying circumstances under which a child may be placed in detention care; expanding the circumstances under which a child may continue to be held in detention; providing for placement of a child pursuant to a second or subsequent violation in certain circumstances; clarifying criteria relating to postcommitment detention; amending s. 985.216, F.S.; revising provisions relating to placement of a child in a secure facility; amending s. 985.229, F.S.; requiring the completion of a comprehensive evaluation within a time certain; requiring the department to develop protocols for the comprehensive evaluation; amending s. 985.231, F.S.; clarifying the powers of the court relating to disposition in delinquency cases; creating s. 985.2311, F.S.; revising conditions of probation previously contained in ss. 985.228 and 985.231, F.S., and providing additional conditions; revising circumstances under which a child may be taken into custody and detained in connection with a violation of probation; amending s. 985.228, F.S., to conform; creating s. 985.2312, F.S.; revising conditions of commitment previously contained in s. 985.231, F.S., and providing additional conditions; limiting the circumstances under which the court may commit certain juvenile offenders for residential placement; creating s. 985.2313, F.S.; providing for nonresidential commitment; specifying circumstances under which commitment of certain juvenile offenders shall be to nonresidential commitment; providing terms and conditions of nonresidential commitment; providing for consequences upon violation of terms of nonresidential commitment; creating s. 985.24, F.S.; revising provisions relating to the recoupment of cost of care presently contained in ss. 985.215 and 985.231, F.S.; amending s. 985.308, F.S.; adding provisions concerning juvenile sex offender programs presently contained in s. 985.231, F.S.; amending ss. 985.31, 985.313, 985.3141, and 985.316, F.S., to conform references; amending s. 985.404, F.S., relating to detention and nonresidential commitment programs, to conform; amending s. 985.4045, F.S.; defining "juvenile offender"; amending s. 985.4075, F.S.; clarifying circumstances under which expenditures for fixed capital outlay may be made; amending s. 316.635, F.S.; clarifying court jurisdiction to sanction minors for contempt of court for failure to appear; amending s. 318.143, F.S.; clarifying court jurisdiction to sanction minors for contempt of court for failure to comply with court-imposed sanctions; amending ss. 39.0015, 216.136, 419.001, 744.309, 784.075, 960.001, 985.21, and 985.311, F.S.; conforming references; requiring the Department of Juvenile Justice to develop protocols for a comprehensive evaluation; requiring the Department of Juvenile Justice to consult with specified legislative staff to develop an implementation plan; providing an effective date.

—was read the second time by title.

Representative(s) Barreiro offered the following:

(Amendment Bar Code: 753511)

Amendment 1 (with title amendment)—On page 76, line 28 through page 77, line 6
remove: all of said lines

and insert: *provisions of this act. The department's final implementation plan shall be submitted to the Legislature no later than January 1, 2003.*

Section 45. This act shall take effect July 1, 2002, except that sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 15, 17, 25, 27, 29, 31, 32, 33, 34, 35, 36, 37, 38, 42, and 44 of the act shall take effect upon becoming law, and sections 14, 16, 18, 20, 21, 22, 23, 30, 40 and 41 shall take effect July 1, 2003.

And the title is amended as follows:

On page 4, lines 28 and 29
remove: all of said lines

and insert: develop an implementation plan; providing effective dates.

Rep. Barreiro moved the adoption of the amendment, which was adopted.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

HB 1979—A bill to be entitled An act relating to local government accountability; amending s. 11.40, F.S.; revising duties of the Legislative Auditing Committee; amending s. 11.45, F.S.; revising reporting requirements of the Auditor General; amending s. 75.05, F.S.; deleting a requirement for an independent special district to submit a copy of a complaint to the Division of Bond Finance of the State Board of Administration; amending s. 112.625, F.S.; revising the definition of "governmental entity" to include counties and district school boards; amending s. 112.63, F.S.; providing for additional information to be

provided to the Department of Management Services in actuarial reports with regard to retirement systems and plans and providing procedures therefor; providing for notification of the Department of Revenue and the Department of Banking and Finance in cases of noncompliance and authorizing the withholding of certain funds; requiring the Department of Management Services to notify the Department of Community Affairs in the case of affected special districts; amending s. 130.04, F.S.; revising provisions governing notice of bids and disposition of bonds; amending s. 132.02, F.S.; revising provisions relating to the authorization to issue refund bonds; amending s. 132.09, F.S.; revising provisions relating to the notice of sale, bids, and awards and private sale of bonds; amending s. 163.05, F.S.; revising provisions governing the Small County Technical Assistance Program; amending s. 166.121, F.S.; revising provisions governing the issuance of bonds by a municipality; amending s. 166.241, F.S.; providing a municipal budget amendment process and requirements; amending s. 189.4044, F.S.; revising special procedures for determination of inactive special districts; amending s. 189.412, F.S.; revising duties of the Special District Information Program of the Department of Community Affairs; amending s. 189.418, F.S.; revising reporting requirements of newly created special districts; authorizing the governing body of a special district to amend its budget; amending s. 189.419, F.S.; revising provisions relating to the failure of special districts to file required reports; amending s. 189.421, F.S.; revising provisions governing the failure of special districts to disclose financial reports; providing for extension of time for the filing of said reports; providing remedies for noncompliance; providing for attorney's fees and costs; amending s. 189.428, F.S.; revising provisions governing the special district oversight review process; amending s. 189.439, F.S.; revising provisions governing the issuance of bonds by special districts; amending s. 215.981, F.S.; exempting state agency direct-support organizations and citizen support organizations meeting specified expense levels from audit requirements; amending s. 218.075, F.S.; revising provisions governing the reduction or waiver of permit processing fees for certain counties; amending s. 218.32, F.S., relating to annual financial reports; requiring the Department of Banking and Finance to notify the Speaker of the House of Representatives and the President of the Senate of any municipality that has not had financial activity for a specified period of time; providing that such notice is sufficient to initiate dissolution procedures; amending s. 218.36, F.S.; revising reporting requirements for boards of county commissioners relating to the failure of a county officer to comply with the provisions of the section; amending s. 218.369, F.S.; revising the definition of "unit of local government" to include district school boards; renaming pt. V of ch. 218, F.S., as "Local Governmental Entity and District School Board Financial Emergencies"; amending s. 218.50, F.S.; renaming ss. 218.50-218.504, F.S., as the "Local Governmental Entity and District School Board Act"; amending s. 218.501, F.S.; revising the stated purposes of pt. V of ch. 218, F.S.; amending s. 218.502, F.S.; revising the definition of "local governmental entity"; amending s. 218.503, F.S.; revising provisions governing the determination of financial emergency for local governments and district school boards; amending s. 218.504, F.S.; revising provisions relating to the authority of the Governor and authorizing the Commissioner of Education to terminate all state actions pursuant to ss. 218.50-218.504, F.S.; amending s. 236.43, F.S.; revising provisions governing receipt of bids and sale of bonds; amending ss. 237.40, 240.299, and 240.331, F.S.; exempting district school board direct-support organizations and citizen support organizations meeting specified expense levels from audit requirements; repealing ch. 131, F.S., consisting of ss. 131.01, 131.02, 131.03, 131.04, 131.05, and 131.06, F.S., relating to refunding bonds of counties, municipalities, and special districts; repealing s. 132.10, F.S., relating to minimum sale price of bonds; repealing s. 165.052, F.S., relating to special dissolution procedures for municipalities; repealing s. 189.409, F.S., relating to determination of financial emergencies of special districts; repealing s. 189.422, F.S., relating to actions of the Department of Community Affairs and special districts; repealing s. 200.0684, F.S., relating to an annual compliance report of the Department of Community Affairs regarding special districts; repealing s. 218.37(1)(h), F.S., relating to the requirement that the Division of Bond Finance use a served copy of the complaint for bond validation to verify compliance by special districts with the requirements in s. 218.38, F.S.; providing an effective date.

—was read the second time by title.

Representative(s) Sorensen offered the following:

(Amendment Bar Code: 574921)

Amendment 1 (with title amendment)—
Remove everything after the enacting clause

and insert:

Section 1. Paragraphs (a) and (b) of subsection (5) of section 11.40, Florida Statutes, are amended to read:

11.40 Legislative Auditing Committee.—

(5) Following notification by the Auditor General, the Department of Banking and Finance, or the Division of Bond Finance of the State Board of Administration of the failure of a local governmental entity, district school board, charter school, or charter technical career center to comply with the applicable provisions within s. 11.45(5)-(7), s. 218.32(1), or s. 218.38, the Legislative Auditing Committee may schedule a hearing. If a hearing is scheduled, the committee shall determine if the entity should be subject to further state action. If the committee determines that the entity should be subject to further state action, the committee shall:

(a) In the case of a local governmental entity or district school board, *direct* ~~request~~ the Department of Revenue and the Department of Banking and Finance to withhold any funds not pledged for bond debt service satisfaction which are payable to such entity until the entity complies with the law. The committee, in its request, shall specify the date such action shall begin, and the request must be received by the Department of Revenue and the Department of Banking and Finance 30 days before the date of the distribution mandated by law. The Department of Revenue and the Department of Banking and Finance are authorized to implement the provisions of this paragraph.

(b) In the case of a special district, notify the Department of Community Affairs that the special district has failed to comply with the law. Upon receipt of notification, the Department of Community Affairs shall proceed pursuant to the provisions specified in *s.* ~~ss.~~ 189.421 ~~and 189.422~~.

Section 2. Subsection (5), paragraph (e) of subsection (7), and subsection (8) of section 11.45, Florida Statutes, are amended to read:

11.45 Definitions; duties; authorities; reports; rules.—

(5) PETITION FOR AN AUDIT BY THE AUDITOR GENERAL.—The Legislative Auditing Committee shall direct the Auditor General to make *an* ~~a financial~~ audit of any municipality whenever petitioned to do so by at least 20 percent of the electors of that municipality. The supervisor of elections of the county in which the municipality is located shall certify whether or not the petition contains the signatures of at least 20 percent of the electors of the municipality. After the completion of the audit, the Auditor General shall determine whether the municipality has the fiscal resources necessary to pay the cost of the audit. The municipality shall pay the cost of the audit within 90 days after the Auditor General's determination that the municipality has the available resources. If the municipality fails to pay the cost of the audit, the Department of Revenue shall, upon certification of the Auditor General, withhold from that portion of the distribution pursuant to s. 212.20(6)(e)6. which is distributable to such municipality, a sum sufficient to pay the cost of the audit and shall deposit that sum into the General Revenue Fund of the state.

(7) AUDITOR GENERAL REPORTING REQUIREMENTS.—

(e) The Auditor General shall notify the Governor *or the Commissioner of Education, as appropriate,* and the Legislative Auditing Committee of any audit report reviewed by the Auditor General pursuant to paragraph (b) *that* ~~which~~ contains a statement that *a* ~~the~~ local governmental entity or district school board *has met one or more of the conditions specified* ~~is in a state of financial emergency as provided~~ in s. 218.503. If the Auditor General requests a clarification regarding information included in an audit report to determine whether

a local governmental entity or district school board *has met one or more of the conditions specified in s. 218.503* ~~is in a state of financial emergency~~, the requested clarification must be provided within 45 days after the date of the request. If the local governmental entity or district school board does not comply with the Auditor General's request, the Auditor General shall notify the Legislative Auditing Committee. If, after obtaining the requested clarification, the Auditor General determines that the local governmental entity or district school board *has met one or more of the conditions specified in s. 218.503* ~~is in a state of financial emergency~~, he or she shall notify the Governor *or the Commissioner of Education* and the Legislative Auditing Committee.

(8) RULES OF THE AUDITOR GENERAL.—The Auditor General, in consultation with the Board of Accountancy, shall adopt rules for the form and conduct of all financial audits performed by independent certified public accountants pursuant to ss. 215.981, 218.39, 237.40, 240.299, and 240.331. The rules for audits of local governmental entities and district school boards must include, but are not limited to, requirements for the reporting of information necessary to carry out the purposes of the Local *Governmental Entity and District School Board* ~~Government~~ Financial Emergencies Act as stated in s. 218.501.

Section 3. Subsection (3) of section 75.05, Florida Statutes, is amended to read:

75.05 Order and service.—

(3) ~~In the case of independent special districts as defined in s. 218.31(7), a copy of the complaint shall be served on the Division of Bond Finance of the State Board of Administration.~~ Notwithstanding any other provision of law, whether a general law or special act, validation of bonds to be issued by a special district, other than a community development district established pursuant to chapter 190, as provided in s. 190.016(12), is not mandatory, but is at the option of the issuer. However, the validation of bonds issued by such community development districts shall not be required on refunding issues.

Section 4. Subsection (5) of section 112.625, Florida Statutes, is amended to read:

112.625 Definitions.—As used in this act:

(5) "Governmental entity" means the state, for the Florida Retirement System, and the *county,* municipality*,* ~~or~~ special district*, or district school board* which is the employer of the member of a local retirement system or plan.

Section 5. Subsection (4) of section 112.63, Florida Statutes, is amended to read:

112.63 Actuarial reports and statements of actuarial impact; review.—

(4) Upon receipt, pursuant to subsection (2), of an actuarial report, or upon receipt, pursuant to subsection (3), of a statement of actuarial impact, the Department of Management Services shall acknowledge such receipt, but shall only review and comment on each retirement system's or plan's actuarial valuations at least on a triennial basis. If the department finds that the actuarial valuation is not complete, accurate, or based on reasonable assumptions *or otherwise fails to satisfy the requirements of this part, the department requires additional information necessary to complete its review of the actuarial valuation of a system or plan or information necessary to satisfy the duties of the department pursuant to s. 112.665(1)*, or ~~if~~ the department does not receive the actuarial report or statement of actuarial impact, the department shall notify the *administrator of the affected retirement system or plan and the affected governmental entity* ~~local government~~ and request appropriate adjustment*, the additional information, or the required report or statement. The notification shall inform the administrator of the affected retirement system or plan and the affected governmental entity of the consequences for failure to comply with the requirements of this subsection.* If, after a reasonable period of time, a satisfactory adjustment is not made *or the report, statement, or additional information is not provided*, *the department may notify the Department of Revenue and the Department of Banking and Finance of such noncompliance, in which case the Department of Revenue and the Department of Banking and Finance shall withhold any funds not pledged for bond debt service satisfaction that are payable to the affected governmental entity until the adjustment is made or the report, statement, or additional information is provided to the department. The department shall specify the date such action is to begin and notification by the department must be received by the Department of Revenue, the Department of Banking and Finance, and the affected governmental entity 30 days before the date the action is to begin.*

(a) Within 21 days after receipt of the notice, the affected *governmental entity* ~~local government or the department~~ may petition for a hearing under the provisions of ss. 120.569 and 120.57 *with the Department of Management Services. The Department of Revenue and the Department of Banking and Finance shall not be parties to any such hearing but may request to intervene if requested by the Department of Management Services or if either the Department of Revenue or the Department of Banking and Finance determines its interests may be adversely affected by the hearing*. If the administrative law judge recommends in favor of the department, the department shall perform an actuarial review*,* ~~or~~ prepare the statement of actuarial impact*, or collect the requested information*. The cost to the department of performing such actuarial review*,* ~~or~~ preparing such statement*, or collecting the requested information* shall be charged to the *affected* governmental entity of which the employees are covered by the retirement system or plan. If payment of such costs is not received by the department within 60 days after receipt by the *affected* governmental entity of the request for payment, the department shall certify to the *Department of Revenue and the Department of Banking and Finance* ~~Comptroller~~ the amount due, and the *Department of Revenue and the Department of Banking and Finance* ~~Comptroller~~ shall pay such amount to the Department *of Management Services* from any funds *not pledged for bond debt service satisfaction that are* payable to the *affected* governmental entity of which the employees are covered by the retirement system or plan. If the administrative law judge recommends in favor of the *affected governmental entity* ~~local retirement system~~ and the department performs an actuarial review, *prepares the statement of actuarial impact, or collects the requested information,* the cost to the department of performing the actuarial review*, preparing the statement, or collecting the requested information* shall be paid by the Department *of Management Services*.

(b) In the case of an affected special district, the Department of Management Services shall also notify the Department of Community Affairs. Upon receipt of notification, the Department of Community Affairs shall proceed pursuant to the provisions of s. 189.421 with regard to the special district.

Section 6. Effective January 1, 2003, subsection (4) of section 112.63, Florida Statutes, as amended by this act, is amended to read:

112.63 Actuarial reports and statements of actuarial impact; review.—

(4) Upon receipt, pursuant to subsection (2), of an actuarial report, or upon receipt, pursuant to subsection (3), of a statement of actuarial impact, the Department of Management Services shall acknowledge such receipt, but shall only review and comment on each retirement system's or plan's actuarial valuations at least on a triennial basis. If the department finds that the actuarial valuation is not complete, accurate, or based on reasonable assumptions or otherwise fails to satisfy the requirements of this part, the department requires additional information necessary to complete its review of the actuarial valuation of a system or plan or information necessary to satisfy the duties of the department pursuant to s. 112.665(1), or the department does not receive the actuarial report or statement of actuarial impact, the department shall notify the administrator of the affected retirement system or plan and the affected governmental entity and request appropriate adjustment, the additional information, or the required report or statement. The notification shall inform the administrator of the affected retirement system or plan and the affected governmental entity of the consequences for failure to comply with the requirements of this subsection. If, after a reasonable period of time, a satisfactory adjustment is not made or the report, statement, or additional information is not provided, the department may notify the Department of Revenue and the *Chief Financial Officer* ~~Department of Banking and~~

~~Finance~~ of such noncompliance, in which case the Department of Revenue and the *Chief Financial Officer* ~~Department of Banking and Finance~~ shall withhold any funds not pledged for bond debt service satisfaction that are payable to the affected governmental entity until the adjustment is made or the report, statement, or additional information is provided to the department. The department shall specify the date such action is to begin and notification by the department must be received by the Department of Revenue, the *Chief Financial Officer* ~~Department of Banking and Finance~~, and the affected governmental entity 30 days before the date the action is to begin.

(a) Within 21 days after receipt of the notice, the affected governmental entity may petition for a hearing under the provisions of ss. 120.569 and 120.57 with the Department of Management Services. The Department of Revenue and the *Chief Financial Officer* ~~Department of Banking and Finance~~ shall not be parties to any such hearing but may request to intervene if requested by the Department of Management Services or if ~~either~~ the Department of Revenue or the *Chief Financial Officer* ~~Department of Banking and Finance~~ determines *the respective* ~~its~~ interests *of either* may be adversely affected by the hearing. If the administrative law judge recommends in favor of the department, the department shall perform an actuarial review, prepare the statement of actuarial impact, or collect the requested information. The cost to the department of performing such actuarial review, preparing such statement, or collecting the requested information shall be charged to the affected governmental entity of which the employees are covered by the retirement system or plan. If payment of such costs is not received by the department within 60 days after receipt by the affected governmental entity of the request for payment, the department shall certify to the Department of Revenue and the *Chief Financial Officer* ~~Department of Banking and Finance~~ the amount due, and the Department of Revenue and the *Chief Financial Officer* ~~Department of Banking and Finance~~ shall pay such amount to the Department of Management Services from any funds not pledged for bond debt service satisfaction that are payable to the affected governmental entity of which the employees are covered by the retirement system or plan. If the administrative law judge recommends in favor of the affected governmental entity and the department performs an actuarial review, prepares the statement of actuarial impact, or collects the requested information, the cost to the department of performing the actuarial review, preparing the statement, or collecting the requested information shall be paid by the Department of Management Services.

(b) In the case of an affected special district, the Department of Management Services shall also notify the Department of Community Affairs. Upon receipt of notification, the Department of Community Affairs shall proceed pursuant to the provisions of s. 189.421 with regard to the special district.

Section 7. Section 130.04, Florida Statutes, is amended to read:

130.04 *Sale* ~~Notice for bids and disposition~~ of bonds.—In case the issuing of bonds shall be authorized by the result of such election, the county commissioners shall *sell the bonds in the manner provided in s. 218.385.* ~~cause notice to be given by publication in a newspaper published in the county, or in some newspaper published in the same judicial circuit, if there be none published in the county, that they will receive bids for the purchase of county bonds at the clerk's office, on a date not less than 10 days nor more than 60 days from the first publication of such notice. The notice shall specify the amount of bonds offered for sale, the rate of interest, and the time when principal and installments of interest shall be due and payable. Any and all bids shall be rejected if the commissioners shall deem it to the best interest for the county so to do, and they may cause a new notice to be given in like manner inviting other bids for said bonds; provided, that when the rate of interest on said bonds exceeds 5 percent per annum, said bonds shall not be sold for less than 95 cents on the dollar, but when any bonds have heretofore been provided for by election, and the rate of interest is 5 percent per annum, or less, that in such cases the county commissioners may accept less than 95 cents upon the dollar, in the sale of said bonds, or for any portion of said bonds not already sold; provided, however, no bonds shall be sold for less than 90 cents on the dollar.~~

Section 8. Subsection (1) of section 132.02, Florida Statutes, is amended to read:

132.02 Taxing units may refund obligations.—

(1) Each county, *municipality,* ~~city, town, special road and bridge district, special tax~~ school district, *or* ~~and~~ other taxing *district* ~~districts~~ in this state, herein sometimes called a unit, may issue, pursuant to a resolution or resolutions of the governing body thereof (meaning thereby the board or body vested with the power of determining the amount of tax levies required for taxing the taxable property of such unit for the purpose of such unit) and either with or without the approval of such bonds at an election, except as may be required by the Constitution of the state, bonds of such unit for the purpose of refunding any or all bonds, coupons, or interest on any such bonds, ~~or coupons or paving certificates of indebtedness or interest on any such paving certificates of indebtedness,~~ now or hereafter outstanding, or any other funded debt, all of which are herein referred to as bonds, whether such unit created such indebtedness or has assumed, or may become liable therefor~~, and whether indebtedness to be refunded has matured or to thereafter become matured~~.

Section 9. Section 132.09, Florida Statutes, is amended to read:

132.09 *Sale of bonds* ~~Notice of sale; bids and award; private sale~~.—When sold, the refunding bonds (except as otherwise expressly provided) shall be sold *in the manner provided in s. 218.385.* ~~pursuant to the terms of a notice of sale which shall be published at least twice. The first publication to be not less than 7 days before the date fixed for the sale and to be published in a newspaper published in the unit, or if no newspaper is published in the unit, then in a newspaper published in the county, or if no newspaper is published in the county, then in a newspaper published in Tallahassee, and in the discretion of the governing body of the unit may be published in a financial newspaper in the City of New York. Such notices shall state the time and place and when and where sealed bids will be received, shall state the amount of bonds, their dates, maturities, denominations and interest rate or rates (which may be a maximum rate), interest payment dates, an outline of the terms, if any, on which they are redeemable or become payable before maturity, the amount which must be deposited with the bid to secure its performance if accepted, and such other pertinent information as the governing body of the unit may determine. The notice of sale may require the bidders to fix the interest rate or rates that the bonds are to bear subject to the terms of the notice and the maximum rate permitted by this chapter. The award of the bonds shall be made by the governing body of the unit to the bidder making the most advantageous bid which shall be determined by the governing body in its absolute and uncontrolled discretion. The right to reject all bids shall be reserved to the governing body of the unit. If no bids are received at such public sale, or if all bids are rejected, the bonds may be sold without notice at private sale at any time within one year thereafter, but such bonds shall not be sold at private sale on terms less favorable to the unit than were contained in the best bid at the prior public sale.~~

Section 10. Paragraph (a) of subsection (2) of section 163.05, Florida Statutes, is amended to read:

163.05 Small County Technical Assistance Program.—

(2) Recognizing the findings in subsection (1), the Legislature declares that:

(a) The *financial difficulties* ~~fiscal emergencies~~ confronting small counties require an investment that will facilitate efforts to improve the productivity and efficiency of small counties' structures and operating procedures.

Section 11. Subsection (2) of section 166.121, Florida Statutes, is amended to read:

166.121 Issuance of bonds.—

(2) The governing body of a municipality shall determine the terms and manner of sale and distribution or other disposition of any and all bonds it may issue*, consistent with the provisions of s. 218.385,* and shall have any and all powers necessary or convenient to such disposition.

Section 12. Section 166.241, Florida Statutes, is amended to read:

166.241 Fiscal years, ~~financial reports,~~ appropriations, ~~and~~ budgets*, and budget amendments*.—

~~(1) Each municipality shall report its finances annually as provided by general law.~~

(1)~~(2)~~ Each municipality shall make provision for establishing a fiscal year beginning October 1 of each year and ending September 30 of the following year.

(2)~~(3)~~ The governing body of each municipality shall adopt a budget each fiscal year. The budget must be adopted by ordinance unless otherwise specified in the respective municipality's charter*, except that municipalities required to establish millage pursuant to chapter 200 shall adopt the budget by resolution or ordinance in the manner specified in s. 200.065(2)*. The amount available from taxation and other sources, including amounts carried over from prior fiscal years, must equal the total appropriations for expenditures and reserves. The budget must regulate expenditures of the municipality, and it is unlawful for any officer of a municipal government to expend or contract for expenditures in any fiscal year except in pursuance of budgeted appropriations.

(3) The governing body of each municipality at any time within a fiscal year or within up to 60 days following the end of the fiscal year may amend a budget for that year as follows:

(a) Appropriations for expenditures within a fund may be decreased or increased by motion recorded in the minutes, provided that the total of the appropriations of the fund is not changed.

(b) The governing body may establish procedures by which the designated budget officer may authorize certain budget amendments within a department, provided that the total of the appropriations of the department is not changed.

(c) If a budget amendment is required for a purpose not specifically authorized in paragraph (a) or paragraph (b), the budget amendment must be adopted in the same manner as the original budget unless otherwise specified in the charter of the respective municipality.

Section 13. Section 189.4044, Florida Statutes, is amended to read:

189.4044 Special procedures for inactive districts.—

(1) The department shall declare inactive any special district in this state by *documenting the following* ~~filing a report with the Speaker of the House of Representatives and the President of the Senate which shows that such special district is no longer active. The inactive status of the special district must be based upon a finding~~:

(a) ~~That~~ The special district meets one of the following criteria:

1. The *registered agent of the district, the chair of the governing body of the district, or the governing body of the appropriate local general-purpose government notifies the department in writing that the* district has taken no action for 2 *or more* ~~calendar~~ years;

2. *Following an inquiry from the department, the registered agent of the district, the chair of the governing body of the district, or the governing body of the appropriate local general-purpose government notifies the department in writing that* the district has not had a governing board or a sufficient number of governing board members to constitute a quorum for *2 or more years or the registered agent of the district, the chair of the governing body of the district, or the governing body of the appropriate local general-purpose government fails to respond to the department's inquiry within 21 days; or* ~~18 or more months;~~

3. The *department determines, pursuant to s. 189.421, that the* district has failed to file ~~or make a good faith effort to file~~ any of the reports listed in s. 189.419.~~; or~~

~~4. The district has failed, for 2 consecutive fiscal years, to pay fees assessed by the Special District Information Program pursuant to this chapter.~~

(b) *The department, special district, or local general-purpose government published* ~~That~~ a notice of ~~the~~ proposed declaration *of inactive status* ~~has been published once a week for 2 weeks~~ in a newspaper of general circulation *in* ~~within~~ the county or municipality *in which* ~~wherein~~ the territory of the special district is located *and sent a copy of such notice by certified mail to the registered agent or chair of the board, if any. Such notice shall include*~~, stating~~ the name of said special district, the law under which it was organized and operating, a general description of the territory included in said special district, and *a statement* ~~stating~~ that any objections *must be filed pursuant to chapter 120 within 21 days after the publication date* ~~to the proposed declaration or to any claims against the assets of said special district shall be filed not later than 60 days following the date of last publication with the department~~; and

(c) *Twenty-one* ~~That 60~~ days have elapsed from the ~~last~~ publication date of the notice of proposed declaration *of inactive status* and no *administrative appeals were* ~~sustained objections have been~~ filed.

(2) If any special district is declared inactive pursuant to this section, the property or assets of the special district are subject to legal process for payment of any debts of the district. After the payment of all the debts of said inactive special district, the remainder of its property or assets shall escheat to the county or municipality wherein located. If, however, it shall be necessary, in order to pay any such debt, to levy any tax or taxes on the property in the territory or limits of the inactive special district, the same may be assessed and levied by order of the local general-purpose government wherein the same is situated and shall be assessed by the county property appraiser and collected by the county tax collector.

(3) *In the case of a district created by special act of the Legislature,* the department shall *send a notice of declaration of inactive status to* ~~notify~~ the Speaker of the House of Representatives and the President of the Senate*. The notice of declaration of inactive status shall reference* ~~of~~ each *known* special act creating or amending the charter of any special district declared to be inactive under this section. The declaration of inactive status shall be sufficient notice as required by s. 10, Art. III of the State Constitution to authorize the Legislature to repeal any special laws so reported. *In the case of a district created by one or more local general-purpose governments, the department shall send a notice of declaration of inactive status to the chair of the governing body of each local general-purpose government that created the district. In the case of a district created by interlocal agreement, the department shall send a notice of declaration of inactive status to the chair of the governing body of each local general-purpose government that entered into the interlocal agreement.*

(4) *The entity that created* a special district declared inactive under this section must *dissolve the special district* ~~be dissolved~~ by *repealing* ~~repeal of~~ its enabling laws *or by other appropriate means*.

Section 14. Subsection (1) of section 189.412, Florida Statutes, is amended, and subsection (8) is added to said section, to read:

189.412 Special District Information Program; duties and responsibilities.—The Special District Information Program of the Department of Community Affairs is created and has the following special duties:

(1) The collection and maintenance of special district *noncompliance* ~~compliance~~ status reports from the *Department of Management Services* ~~Auditor General~~, the Department of Banking and Finance, the Division of Bond Finance of the State Board of Administration, *and the Auditor General* ~~the Department of Management Services, the Department of Revenue, and the Commission on Ethics~~ for the reporting required in ss. ~~112.3144, 112.3145, 112.3148, 112.3149,~~ 112.63, ~~200.068,~~ 218.32, ~~218.34,~~ 218.38, *and* 218.39~~, and 280.17 and chapter 121 and from state agencies administering programs that distribute money to special districts~~. The *noncompliance* ~~special district compliance status~~ reports must *list those* ~~consist of a list of special districts used in that state agency and a list of which~~ special districts *that* did not comply with the *statutory* reporting *requirements* ~~statutorily required by that agency~~.

(8) Providing assistance to local general-purpose governments and certain state agencies in collecting delinquent reports or information,

helping special districts comply with reporting requirements, declaring special districts inactive when appropriate, and, when directed by the Legislative Auditing Committee, initiating enforcement provisions as provided in ss. 189.4044, 189.419, and 189.421.

Section 15. Subsections (1) and (2) of section 189.418, Florida Statutes, are amended, subsection (5) is renumbered as subsection (6), present subsection (6) is renumbered as subsection (7) and amended, and a new subsection (5) is added to said section, to read:

189.418 Reports; budgets; audits.—

(1) When a new special district is created, the district must forward to the department, within 30 days after the adoption of the special act, rule, ordinance, resolution, or other document that provides for the creation of the district, a copy of the document *and a written statement that includes a reference to the status of the special district as dependent or independent and the basis for such classification*. In addition to the document or documents that create the district, the district must also submit a map of the district, showing any municipal boundaries that cross the district's boundaries, and any county lines if the district is located in more than one county. The department must notify the local government or other entity and the district within 30 days after receipt of the document or documents that create the district as to whether the district has been determined to be dependent or independent.

(2) Any amendment, modification, or update of the document by which the district was created, including changes in boundaries, must be filed with the department within 30 days after adoption. The department may initiate proceedings against special districts as provided in *s.* ~~ss.~~ 189.421 ~~and 189.422~~ for failure to file the information required by this subsection.

(5) The governing body of each special district at any time within a fiscal year or within up to 60 days following the end of the fiscal year may amend a budget for that year. The budget amendment must be adopted by resolution.

(7)~~(6)~~ All reports or information required to be filed with a local governing authority under ss. *189.415,* 189.416, *and* 189.417~~, 218.32, and 218.39~~ and this section shall:

(a) When the local governing authority is a county, be filed with the clerk of the board of county commissioners.

(b) When the district is a multicounty district, be filed with the clerk of the county commission in each county.

(c) When the local governing authority is a municipality, be filed at the place designated by the municipal governing body.

Section 16. Section 189.419, Florida Statutes, is amended to read:

189.419 Effect of failure to file certain reports or information.—

(1) If a special district fails to file the reports or information required under s. 189.415, s. 189.416, *or* s. 189.417~~, s. 189.418, s. 218.32, or s. 218.39 and a description of all new bonds as provided in s. 218.38(1)~~ with the local governing authority, the person authorized to receive and read the reports or information shall notify the district's registered agent and the appropriate local governing authority or authorities. *If requested by the district* ~~At any time~~, the governing authority *shall* ~~may~~ grant an extension of time *of up to 30 days* for filing the required reports or information~~, except that an extension may not exceed 30 days~~.

(2) If at any time the local governing authority or authorities or the board of county commissioners determines that there has been an unjustified failure to file the reports or information described in subsection (1), it may *notify* ~~petition~~ the department *and the department may proceed pursuant* to ~~initiate proceedings against the special district in the manner provided in~~ s. 189.421.

(3) If a special district fails to file the reports or information required under *s. 112.63,* s. 218.32, s. 218.38, or s. 218.39 with the appropriate state agency, the agency shall notify the department, and the department *shall proceed pursuant to s. 189.421* ~~may initiate proceedings against the special district in the manner provided in s. 189.421 or assess fines of not more than $25, with an aggregate total not to exceed $50, when formal inquiries do not resolve the noncompliance~~.

Section 17. Section 189.421, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 189.421, F.S., for present text.)

189.421 Failure of district to disclose financial reports.—

(1) When notified pursuant to s. 189.419, the department shall attempt to assist a special district to comply with its financial reporting requirements by sending a certified letter to the special district, and a copy of the letter to the chair of the governing body of the local general-purpose government, which includes the following: a description of the required report, including statutory submission deadlines, a contact telephone number for technical assistance to help the special district comply, a 60-day extension of time for filing the required report with the appropriate entity, the address where the report must be filed, and an explanation of the penalties for noncompliance. The department may grant an additional 30-day extension of time if requested to do so in writing by the special district. The department shall notify the appropriate entity of the new extension of time. In the case of a special district that did not timely file the reports or information required by s. 218.38, the department shall send a certified technical assistance letter to the special district that summarizes the requirements and encourages the special district to take steps to prevent the noncompliance from reoccurring.

(2) Failure of a special district to comply with the financial reporting requirements after the procedures of subsection (1) are exhausted shall be deemed final action of the special district. The financial reporting requirements are hereby declared to be essential requirements of law. Remedy for noncompliance shall be by writ of certiorari as set forth in subsection (3).

(3) Pursuant to s. 11.40(5)(b), the Legislative Auditing Committee shall notify the department of those districts that failed to file the required report. Within 30 days after receiving this notice or within 30 days after the extension date provided in subsection (1), whichever occurs later, the department shall proceed as follows: notwithstanding the provisions of chapter 120, the department shall file a petition for writ of certiorari with the circuit court. Venue for all actions pursuant to this subsection shall be in Leon County. The court shall award the prevailing party attorney's fees and costs in all cases filed pursuant to this section unless affirmatively waived by all parties. A writ of certiorari shall be issued unless a respondent establishes that the notification of the Legislative Auditing Committee was issued as a result of material error. Proceedings under this subsection shall otherwise be governed by the Rules of Appellate Procedure.

Section 18. Subsection (5) of section 189.428, Florida Statutes, is amended to read:

189.428 Special districts; oversight review process.—

(5) Those conducting the oversight review process shall, at a minimum, consider the listed criteria for evaluating the special district, but may also consider any additional factors relating to the district and its performance. If any of the listed criteria *does* ~~do~~ not apply to the special district being reviewed, *it* ~~they~~ need not be considered. The criteria to be considered by the reviewer include:

(a) The degree to which the service or services offered by the special district are essential or contribute to the well-being of the community.

(b) The extent of continuing need for the service or services currently provided by the special district.

(c) The extent of municipal annexation or incorporation activity occurring or likely to occur within the boundaries of the special district and its impact on the delivery of services by the special district.

(d) Whether there is a less costly alternative method of delivering the service or services that would adequately provide the district residents with the services provided by the district.

(e) Whether transfer of the responsibility for delivery of the service or services to an entity other than the special district being reviewed could be accomplished without jeopardizing the district's existing contracts, bonds, or outstanding indebtedness.

(f) Whether the Auditor General has notified the Legislative Auditing Committee that the special district's audit report, reviewed pursuant to s. 11.45(7), indicates that *the district has met any of the conditions specified in s. 218.503(1) or that* a deteriorating financial condition exists that may cause a condition described in s. 218.503(1) to occur if actions are not taken to address such condition.

~~(g) Whether the Auditor General has determined that the special district is in a state of financial emergency as provided in s. 218.503(1), and has notified the Governor and the Legislative Auditing Committee.~~

(g)~~(h)~~ Whether the district is inactive according to the official list of special districts, and whether the district is meeting and discharging its responsibilities as required by its charter, as well as projected increases or decreases in district activity.

(h)~~(i)~~ Whether the special district has failed to comply with any of the reporting requirements in this chapter, including preparation of the public facilities report.

(i)~~(j)~~ Whether the special district has designated a registered office and agent as required by s. 189.416, and has complied with all open public records and meeting requirements.

Section 19. Paragraph (a) of subsection (1) of section 189.439, Florida Statutes, is amended to read:

189.439 Bonds.—

(1) AUTHORIZATION AND FORM OF BONDS.—

(a) The authority may issue and sell bonds for any purpose for which the authority has the power to expend money, including, without limitation, the power to obtain working capital loans to finance the costs of any project and to refund any bonds or other indebtedness at the time outstanding at or before maturity. Bonds may be sold *in the manner provided in s. 218.385 and* ~~by public or negotiated sale after advertisement, if any, as the board considers advisable. Bonds~~ may be authorized by resolution of the board.

Section 20. Section 215.981, Florida Statutes, is amended to read:

215.981 Audits of state agency direct-support organizations and citizen support organizations.—Each direct-support organization and each citizen support organization, created or authorized pursuant to law, and created, approved, or administered by a state agency, other than a university, district board of trustees of a community college, or district school board, shall provide for an annual financial audit of its accounts and records to be conducted by an independent certified public accountant in accordance with rules adopted by the Auditor General pursuant to s. 11.45(8) and the state agency that created, approved, or administers the direct-support organization or citizen support organization*, whenever the organization's expenditures and expenses exceed $100,000*. The audit report shall be submitted within 9 months after the end of the fiscal year to the Auditor General and to the state agency responsible for creation, administration, or approval of the direct-support organization or citizen support organization. Such state agency, the Auditor General, and the Office of Program Policy Analysis and Government Accountability shall have the authority to require and receive from the organization or from the independent auditor any records relative to the operation of the organization.

Section 21. Subsection (3) of section 218.075, Florida Statutes, is amended to read:

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

(3) Any condition specified in s. 218.503*(1)*, that *results in the county or municipality being in* ~~determines~~ a state of financial emergency;

The permit applicant must be the governing body of a county or municipality or a third party under contract with a county or municipality and the project for which the fee reduction or waiver is sought must serve a public purpose. If a permit processing fee is reduced, the total fee shall not exceed $100.

Section 22. Subsection (3) is added to section 218.32, Florida Statutes, to read:

218.32 Annual financial reports; local governmental entities.—

(3) The department shall notify the President of the Senate and the Speaker of the House of Representatives of any municipality that has not had financial activity for the last 4 fiscal years. Such notice shall be sufficient to initiate dissolution procedures described in s. 165.051(1)(a). Any special law authorizing the incorporation or creation of said municipality shall be included within the notification.

Section 23. Subsection (3) of section 218.36, Florida Statutes, is amended to read:

218.36 County officers; record and report of fees and disposition of same.—

(3) The board of county commissioners *may* ~~shall, on the 32nd day following the close of the fiscal year,~~ notify the Governor of the failure of any county officer to comply with the provisions of this section. Such notification shall specify the name of the officer and the office held by him or her at the time of such failure and shall subject said officer to suspension from office at the Governor's discretion.

Section 24. Section 218.369, Florida Statutes, is amended to read:

218.369 Definitions applicable to ss. 218.37-218.386.—As used in this section and in ss. 218.37, 218.38, 218.385, and 218.386, the term "unit of local government," except where exception is made, means a county, municipality, special district*, district school board,* local agency, authority, or consolidated city-county government or any other local governmental body or public body corporate and politic authorized or created by general or special law and granted the power to issue general obligation or revenue bonds; and the words "general obligation or revenue bonds" shall be interpreted to include within their scope general obligation bonds, revenue bonds, special assessment bonds, limited revenue bonds, special obligation bonds, debentures, and other similar instruments, but not bond anticipation notes.

Section 25. *Part V of chapter 218, Florida Statutes, entitled "Financial Emergencies" is renamed "Local Governmental Entity and District School Board Financial Emergencies."*

Section 26. Section 218.50, Florida Statutes, is amended to read:

218.50 Short title.—Sections 218.50-218.504 shall be known as the "Local *Governmental Entity and District School Board* ~~Government~~ Financial Emergencies Act."

Section 27. Section 218.501, Florida Statutes, is amended to read:

218.501 Purposes.—The purposes of ss. 218.50-218.504 are:

(1) To *promote* ~~preserve and protect~~ the fiscal *responsibility* ~~solvency~~ of local governmental entities *and district school boards*.

(2) To assist local governmental entities *and district school boards* in providing essential services without interruption and in meeting their financial obligations.

(3) To assist local governmental entities *and district school boards* through the improvement of local financial management procedures.

Section 28. Section 218.502, Florida Statutes, is amended to read:

218.502 Definition.—As used in ss. 218.50-218.504, the term "local governmental entity" means a county, municipality, *or* special district~~, or district school board~~.

Section 29. Section 218.503, Florida Statutes, as amended by chapter 2001-354, Laws of Florida, is amended to read:

218.503 Determination of financial emergency.—

(1) ~~A~~ Local governmental *entities and district school boards shall be subject to review and oversight by the Governor or the Commissioner of Education* ~~entity is in a state of financial emergency~~ when any *one* of the following conditions occurs:

(a) Failure within the same fiscal year in which due to pay short-term loans from banks or failure to make bond debt service *or other long-term debt* payments when due*, as a result of a lack of funds*.

(b) Failure to pay uncontested claims from creditors within 90 days after the claim is presented, as a result of a lack of funds.

(c)~~(b)~~ Failure to transfer at the appropriate time, due to lack of funds:

1. Taxes withheld on the income of employees; or

2. Employer and employee contributions for:

a. Federal social security; or

b. Any pension, retirement, or benefit plan of an employee.

(d)~~(c)~~ Failure for one pay period to pay, due to lack of funds:

1. Wages and salaries owed to employees; or

2. Retirement benefits owed to former employees.

(e)~~(d)~~ An unreserved or total fund balance or retained earnings deficit*, or unrestricted or total net assets deficit, as reported on the balance sheet or statement of net assets on the general purpose or fund financial statements,* for which sufficient resources of the local governmental entity*, as reported on the balance sheet or statement of net assets on the general purpose or fund financial statements,* are not available to cover the deficit ~~for 2 successive years~~. *Resources available to cover reported deficits include net assets that are not otherwise restricted by federal, state, or local laws, bond covenants, contractual agreements, or other legal constraints. Fixed or capital assets, the disposal of which would impair the ability of a local governmental entity to carry out its functions, are not considered resources available to cover reported deficits.*

~~(e) Noncompliance of the local government retirement system with actuarial conditions provided by law.~~

(2) A local governmental entity shall notify the Governor and the Legislative Auditing Committee*, and a district school board shall notify the Commissioner of Education and the Legislative Auditing Committee,* when one or more of the conditions specified in subsection (1) have occurred or will occur if action is not taken to assist the local governmental entity *or district school board*. In addition, any state agency must, within 30 days after *a determination that one or more of the conditions specified in subsection (1) have occurred or will occur if action is not taken to assist the local governmental entity or district school board* ~~the identification of the financial emergency~~, notify the Governor *or the Commissioner of Education, as appropriate,* and the Legislative Auditing Committee ~~when one or more of the conditions specified in subsection (1) have occurred or will occur if action is not taken to assist a local governmental entity~~.

(3) Upon notification that one or more of the conditions in subsection (1) exist, the Governor or his or her designee shall contact the local governmental entity *or the Commissioner of Education or his or her designee shall contact the district school board* to determine what actions have been taken by the local governmental entity *or the district school board* to resolve the *condition* ~~financial emergency~~. The Governor *or the Commissioner of Education, as appropriate, shall determine whether the local governmental entity or the district school board needs state assistance to resolve the condition. If state assistance is needed, the local governmental entity or district school board is considered to be in a state of financial emergency. The Governor or the Commissioner of Education, as appropriate,* has the authority to implement measures as set forth in ss. 218.50-218.504 to *assist the local governmental entity or district school board in resolving* ~~resolve~~ the financial emergency. Such measures may include, but are not limited to:

(a) Requiring approval of the local governmental entity's budget by the Governor *or approval of the district school board's budget by the Commissioner of Education*.

(b) Authorizing a state loan to *a* ~~the~~ local governmental entity and providing for repayment of same.

(c) Prohibiting a local governmental entity *or district school board* from issuing bonds, notes, certificates of indebtedness, or any other form of debt until such time as it is no longer subject to this section.

(d) Making such inspections and reviews of records, information, reports, and assets of the local governmental entity *or district school board. The appropriate local officials shall cooperate in such*~~, in which~~ inspections and reviews ~~the appropriate local officials shall cooperate~~.

(e) Consulting with ~~the~~ officials *and auditors* of the local governmental entity *or the district school board* and the appropriate state *officials* ~~agency~~ regarding any steps necessary to bring the books of account, accounting systems, financial procedures, and reports into compliance with state requirements.

(f) Providing technical assistance to the local governmental entity *or the district school board*.

(g)1. Establishing a financial *emergency* ~~emergencies~~ board to oversee the activities of the local governmental entity *or the district school board. If a financial emergency* ~~The~~ board~~, if~~ *is* established *for a local governmental entity*, ~~shall be appointed by~~ the Governor *shall appoint board members and select a chair. If a financial emergency board is established for a district school board, the State Board of Education shall appoint board members and select a chair.* ~~The Governor shall select a chair and such other officers as are necessary.~~ The *financial emergency* board shall adopt such rules as are necessary for conducting board business. The board may:

a. Make such reviews of records, reports, and assets of the local governmental entity *or the district school board* as are needed.

b. Consult with ~~the~~ officials *and auditors* of the local governmental entity *or the district school board* and *the* appropriate state officials regarding any steps necessary to bring the books of account, accounting systems, financial procedures, and reports of the local governmental entity *or the district school board* into compliance with state requirements.

c. Review the operations, management, efficiency, productivity, and financing of functions and operations of the local governmental entity *or district school board*.

2. The recommendations and reports made by the *financial emergency* board must be submitted to the Governor for *local governmental entities or to the Commissioner of Education and the State Board of Education for district school boards for* appropriate action.

(h) Requiring and approving a plan, to be prepared by *officials of* ~~the appropriate state agency in conjunction with~~ the local governmental entity *or the district school board in consultation with the appropriate state officials*, prescribing actions that will cause the local governmental entity *or district school board* to no longer be subject to this section. The plan must include, but need not be limited to:

1. Provision for payment in full of *obligations outlined in subsection (1), designated as priority items, that are currently* ~~all payments~~ due or *will* ~~to~~ come due ~~on debt obligations, pension payments, and all payments and charges imposed or mandated by federal or state law and for all judgments and past due accounts, as priority items of expenditures~~.

2. Establishment of ~~a basis of~~ priority budgeting or zero-based budgeting *in order*~~, so as~~ to eliminate ~~low-priority~~ items that are not affordable.

3. The prohibition of a level of operations which can be sustained only with nonrecurring revenues.

(4) *A* ~~During the financial emergency period, the~~ local governmental entity *or district school board* may not seek application of laws under the bankruptcy provisions of the United States Constitution except with the prior approval of the Governor *for local governmental entities or the Commissioner of Education for district school boards*.

(5)(a) The governing authority of any municipality having a resident population of 300,000 or more on or after April 1, 1999, which has been declared in a state of financial emergency pursuant to this section may impose a discretionary per-vehicle surcharge of up to 20 percent on the gross revenues of the sale, lease, or rental of space at parking facilities within the municipality which are open for use to the general public.

(b) A municipal governing authority that imposes the surcharge authorized by this subsection may use the proceeds of such surcharge for the following purposes only:

1. No less than 60 percent and no more than 80 percent of the surcharge proceeds shall be used by the governing authority to reduce its ad valorem tax millage rate or to reduce or eliminate non-ad valorem assessments.

2. A portion of the balance of the surcharge proceeds shall be used by the governing authority to increase its budget reserves; however, the governing authority shall not reduce the amount it allocates for budget reserves from other sources below the amount allocated for reserves in the fiscal year prior to the year in which the surcharge is initially imposed. When a 15-percent budget reserve is achieved, based on the average gross revenue for the most recent 3 prior fiscal years, the remaining proceeds from this subparagraph shall be used for the payment of annual debt service related to outstanding obligations backed or secured by a covenant to budget and appropriate from non-ad valorem revenues.

(c) This subsection expires June 30, 2006.

Section 30. Section 218.504, Florida Statutes, is amended to read:

218.504 Cessation of state action.—The Governor *or the Commissioner of Education, as appropriate,* has the authority to terminate all state actions pursuant to ss. 218.50-218.504. Cessation of state action must not occur until the Governor *or the Commissioner of Education, as appropriate,* has determined that:

(1) The local governmental entity *or district school board*:

(a) Has established and is operating an effective financial accounting and reporting system.

(b) Has *resolved* ~~corrected or eliminated~~ the ~~fiscal emergency~~ conditions outlined in s. 218.503*(1)*.

(2) *None of the* ~~No new fiscal emergency~~ conditions *outlined in s. 218.593(1)* exist.

Section 31. Section 236.43, Florida Statutes, is amended to read:

236.43 Receiving bids and sale of bonds.—

(1) In case the issuance of bonds shall be authorized at said election, or in case any bonds outstanding against the district are being refunded, the school board shall *sell the bonds in the manner provided in s. 218.385.* ~~cause notice to be given by publication in some newspaper published in the district that said board will receive bids for the purchase of the bonds at the office of the superintendent of said district. The notice shall be published twice and the first publication shall be given not less than 30 days prior to the date set for receiving the bids. Said notice shall specify the amount of the bonds offered for sale and shall state whether the bids shall be sealed bids or whether the bonds are to be sold at auction, shall give the schedule of maturities of the proposed bonds and such other pertinent information as may be prescribed by regulations of the state board. Bidders may be invited to name the rate of interest which the bonds are to bear or the school board may name rates of interest and invite bids thereon. In addition to publication of notice of the proposed sale as set forth above, the school board shall also notify in writing at least three recognized bond dealers in the state and shall also at the same time notify the Department of Education concerning the proposed sale, enclosing a copy of the advertisement.~~

(2) ~~All bonds and refunding bonds issued as provided by law shall be sold to the highest and best bidder at such public sale unless sold at a better price or yield basis within 30 days after failure to receive an acceptable bid at a duly advertised public sale; provided, that at no time shall bonds or refunding bonds be sold or exchanged at less than par value except as specifically authorized by the department; and provided, further, that the school board shall have the right to reject all bids and cause a new notice to be given in like manner inviting other bids for such bonds, or to sell all or any part of such bonds to the state board at a price and yield basis which shall not be less advantageous to the school board than that represented by the highest and best bid received.~~ In the marketing of said bonds the school board shall be entitled to have such assistance as can be rendered by the Governor, the State Treasurer, the Commissioner of Education, or any other public state officer or agency. In determining the highest and best bidder for bonds offered for sale *by competitive bid*, the *true* ~~net~~ interest cost to the school board ~~as shown in standard bond tables~~ shall govern~~,~~; provided~~,~~ that the determination of the school board as to the highest and best bidder shall be final.

Section 32. Subsection (4) of section 237.40, Florida Statutes, is amended to read:

237.40 Direct-support organization; use of property; board of directors; audit.—

(4) ANNUAL AUDIT.—Each direct-support organization *with more than $100,000 in expenditures and expenses* shall provide for an annual financial audit of its accounts and records, to be conducted by an independent certified public accountant in accordance with rules adopted by the Auditor General pursuant to s. 11.45(8) and the Commissioner of Education. The annual audit report shall be submitted within 9 months after the fiscal year's end to the district school board and the Auditor General. The Commissioner of Education, the Auditor General, and the Office of Program Policy Analysis and Government Accountability have the authority to require and receive from the organization or the district auditor any records relative to the operation of the organization. The identity of donors and all information identifying donors and prospective donors are confidential and exempt from the provisions of s. 119.07(1), and that anonymity shall be maintained in the auditor's report. All other records and information shall be considered public records for the purposes of chapter 119.

Section 33. Subsection (5) of section 240.299, Florida Statutes, is amended to read:

240.299 Direct-support organizations; use of property; board of directors; activities; audit; facilities.—

(5) ANNUAL AUDIT.—Each direct-support organization *with more than $100,000 in expenditures and expenses* shall provide for an annual financial audit of its accounts and records to be conducted by an independent certified public accountant in accordance with rules adopted by the Auditor General pursuant to s. 11.45(8) and by the Board of Regents. The annual audit report shall be submitted, within 9 months after the end of the fiscal year, to the Auditor General and the Board of Regents for review. The Board of Regents, the Auditor General, and the Office of Program Policy Analysis and Government Accountability shall have the authority to require and receive from the organization or from its independent auditor any records relative to the operation of the organization. The identity of donors who desire to remain anonymous shall be protected, and that anonymity shall be maintained in the auditor's report. All records of the organization other than the auditor's report, management letter, and any supplemental data requested by the Board of Regents, the Auditor General, and the Office of Program Policy Analysis and Government Accountability shall be confidential and exempt from the provisions of s. 119.07(1).

Section 34. Subsection (6) of section 240.331, Florida Statutes, is amended to read:

240.331 Community college direct-support organizations.—

(6) ANNUAL AUDIT.—Each direct-support organization *with more than $100,000 in expenditures and expenses* shall provide for an annual financial audit *of its accounts and records* in accordance with rules adopted by the Auditor General pursuant to s. 11.45(8). The annual audit report must be submitted, within 9 months after the end of the fiscal year, to the Auditor General, the State Board of Community Colleges, and the board of trustees for review. The board of trustees, the Auditor General, and the Office of Program Policy Analysis and Government Accountability may require and receive from the organization or from its independent auditor any detail or supplemental data relative to the operation of the organization. The identity of donors who desire to remain anonymous shall be protected, and that anonymity shall be maintained in the auditor's report. All records of the organization, other than the auditor's report, any information necessary for the auditor's report, any information related to the expenditure of funds, and any supplemental data requested by the board of trustees, the Auditor General, and the Office of Program Policy Analysis and Government Accountability, shall be confidential and exempt from the provisions of s. 119.07(1).

Section 35. *Chapter 131, Florida Statutes, consisting of sections 131.01, 131.02, 131.03, 131.04, 131.05, and 131.06, Florida Statutes, is repealed.*

Section 36. *Section 132.10, Florida Statutes, is repealed.*

Section 37. *Section 165.052, Florida Statutes, is repealed.*

Section 38. *Section 189.409, Florida Statutes, is repealed.*

Section 39. *Section 189.422, Florida Statutes, is repealed.*

Section 40. *Section 200.0684, Florida Statutes, is repealed.*

Section 41. *Paragraph (h) of subsection (1) of section 218.37, Florida Statutes, is repealed.*

Section 42. Except as otherwise provided herein, 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 local government accountability; amending s. 11.40, F.S.; revising duties of the Legislative Auditing Committee; amending s. 11.45, F.S.; revising reporting requirements of the Auditor General; amending s. 75.05, F.S.; deleting a requirement for an independent special district to submit a copy of a complaint to the Division of Bond Finance of the State Board of Administration; amending s. 112.625, F.S.; revising the definition of "governmental entity" to include counties and district school boards; amending s. 112.63, F.S.; providing for additional information to be provided to the Department of Management Services in actuarial reports with regard to retirement systems and plans and providing procedures therefor; providing for notification of the Department of Revenue and the Department of Banking and Finance, or the Chief Financial Officer on or after January 1, 2003, in cases of noncompliance and authorizing the withholding of certain funds; requiring the Department of Management Services to notify the Department of Community Affairs in the case of affected special districts; amending s. 130.04, F.S.; revising provisions governing notice of bids and disposition of bonds; amending s. 132.02, F.S.; revising provisions relating to the authorization to issue refund bonds; amending s. 132.09, F.S.; revising provisions relating to the notice of sale, bids, and awards and private sale of bonds; amending s. 163.05, F.S.; revising provisions governing the Small County Technical Assistance Program; amending s. 166.121, F.S.; revising provisions governing the issuance of bonds by a municipality; amending s. 166.241, F.S.; providing a municipal budget amendment process and requirements; amending s. 189.4044, F.S.; revising special procedures for determination of inactive special districts; amending s. 189.412, F.S.; revising duties of the Special District Information Program of the Department of Community Affairs; amending s. 189.418, F.S.; revising reporting requirements of newly created special districts; authorizing the governing body of a special district to amend its budget; amending s. 189.419, F.S.; revising provisions relating to the failure of special districts to file required reports; amending s. 189.421, F.S.; revising provisions governing the failure of special districts to disclose financial reports; providing for extension of time for the filing of said reports; providing remedies for noncompliance; providing for attorney's fees and costs; amending s. 189.428, F.S.; revising provisions governing the special district oversight review process; amending s. 189.439, F.S.; revising provisions governing the issuance of bonds by special districts; amending s. 215.981, F.S.; exempting state agency direct-support organizations and citizen support organizations meeting specified expense levels from audit requirements; amending s. 218.075, F.S.; revising provisions governing the reduction or waiver of permit processing fees for certain counties; amending s. 218.32, F.S., relating to annual financial reports; requiring the Department of Banking and Finance to notify the Speaker of the House of Representatives and the President of the Senate of any municipality that has not had financial activity for a specified period of time; providing that such notice is sufficient to initiate dissolution procedures; amending s. 218.36, F.S.; revising reporting requirements for boards of county commissioners relating to the failure of a county officer to comply with the provisions of the section; amending s. 218.369, F.S.; revising the definition of "unit of local government" to include district school boards; renaming pt. V of ch. 218, F.S., as "Local Governmental Entity and District School Board Financial Emergencies"; amending s. 218.50, F.S.; renaming ss. 218.50-218.504, F.S., as the "Local Governmental Entity and District School Board Act"; amending s. 218.501, F.S.; revising the stated purposes of pt. V of ch. 218, F.S.; amending s. 218.502, F.S.; revising the definition of "local governmental entity"; amending s. 218.503, F.S.; revising provisions governing the determination of financial emergency for local governments and district school boards; amending s. 218.504, F.S.; revising provisions relating to the authority of the Governor and authorizing the Commissioner of Education to terminate all state actions pursuant to ss. 218.50-218.504, F.S.; amending s. 236.43, F.S.; revising provisions governing receipt of bids and sale of bonds; amending ss. 237.40, 240.299, and 240.331, F.S.; exempting district school board direct-support organizations and citizen support organizations meeting specified expense levels from audit requirements; repealing ch. 131, F.S., consisting of ss. 131.01, 131.02, 131.03, 131.04, 131.05, and 131.06, F.S., relating to refunding bonds of counties, municipalities, and special districts; repealing s. 132.10, F.S., relating to minimum sale price of bonds; repealing s. 165.052, F.S., relating to special dissolution procedures for municipalities; repealing s. 189.409, F.S., relating to determination of financial emergencies of special districts; repealing s. 189.422, F.S., relating to actions of the Department of Community Affairs and special districts; repealing s. 200.0684, F.S., relating to an annual compliance report of the Department of Community Affairs regarding special districts; repealing s. 218.37(1)(h), F.S., relating to the requirement that the Division of Bond Finance use a served copy of the complaint for bond validation to verify compliance by special districts with the requirements in s. 218.38, F.S.; providing effective dates.

Rep. Sorensen moved the adoption of the amendment, which was adopted.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

HJR 1981—A joint resolution proposing an amendment to Section 12 of Article V and the creation of Section 26 of Article XII of the State Constitution relating to the Judicial Qualifications Commission.

—was read the second time by title.

Representative(s) Gelber offered the following:

(Amendment Bar Code: 712315)

Amendment 1—On page 3, line 22,
remove: *unless*

and insert: *as*

Rep. Gelber moved the adoption of the amendment. Subsequently, **Amendment 1** was withdrawn.

Under Rule 10.13(b), the joint resolution was referred to the Engrossing Clerk.

HB 1983—A bill to be entitled An act relating to juvenile delinquency programs and records; amending s. 938.19, F.S.; providing for the creation of county juvenile drug courts; providing for assessments for court costs by circuit and county courts to be used for the operation, administration, and programming of teen and juvenile drug courts and providing for distribution of such assessments; amending s. 943.0582, F.S.; requiring a report to the Legislature relating to expunction of certain records; amending s. 984.06, F.S.; authorizing the guardian ad litem of a child in need of services to inspect and copy official records pertaining to the child; amending s. 985.04, F.S.; expanding the circumstances under which certain juvenile records are not considered confidential and exempt solely because of age; authorizing law enforcement agencies to provide said information; amending s. 985.407, F.S.; requiring the Department of Juvenile Justice to adopt a rule regarding changes in policies that impact contracted delinquency services and programs and establishing procedure therefor; providing an effective date.

—was read the second time by title.

Representative(s) Barreiro offered the following:

(Amendment Bar Code: 924843)

Amendment 1—On page 5, line 19 of the bill

after the word, "*Identified*" insert: *"as a suspect or a defendant"*

Rep. Barreiro moved the adoption of the amendment, which was adopted.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

On motion by Rep. Brown, consideration of **HB 427** was temporarily postponed under Rule 11.10.

CS/HB 257—A bill to be entitled An act relating to administrative procedures; amending s. 57.111, F.S.; increasing the cap on an award of attorney's fees and costs in an action initiated by a state agency; amending s. 120.54, F.S.; revising language with respect to the Uniform Rules of Procedure; amending s. 120.569, F.S.; revising requirements for pleadings, motions, and other papers filed under the Administrative Procedure Act; amending s. 120.57, F.S.; revising provisions relating to motions to relinquish jurisdiction; amending s. 120.595, F.S.; redefining the term "improper purpose" for determining an award of attorney's fees; amending s. 120.60, F.S.; revising provisions relating to applications for licenses; amending s. 120.68, F.S.; revising provisions relating to judicial review; providing an effective date.

—was read the second time by title.

Representative(s) Spratt offered the following:

(Amendment Bar Code: 445889)

Amendment 1 (with title amendment)—
Remove everything after the enacting clause

and insert:

Section 1. Paragraph (d) of subsection (4) of section 57.111, Florida Statutes, is amended to read:

57.111 Civil actions and administrative proceedings initiated by state agencies; attorneys' fees and costs.—

(4)

(d) The court, or the administrative law judge in the case of a proceeding under chapter 120, shall promptly conduct an evidentiary hearing on the application for an award of attorney's fees and shall issue a judgment, or a final order in the case of an administrative law judge. The final order of an administrative law judge is reviewable in accordance with the provisions of s. 120.68. If the court affirms the award of attorney's fees and costs in whole or in part, it may, in its discretion, award additional attorney's fees and costs for the appeal.

1. No award of attorney's fees and costs shall be made in any case in which the state agency was a nominal party.

2. No award of attorney's fees and costs for an action initiated by a state agency shall exceed *$50,000* ~~$15,000~~.

Section 2. Paragraph (b) of subsection (1) of section 120.52, Florida Statutes, is amended to read:

120.52 Definitions.—As used in this act:

(1) "Agency" means:

(b) Each~~:~~

~~1.~~ *state* ~~State~~ officer and state department, and each departmental unit described in s. 20.04*, and*~~.~~

~~2.~~ *authority* ~~Authority~~, including a regional water supply authority,~~.~~

~~3.~~ *board,* ~~Board.~~

~~4.~~ *commission* ~~Commission~~, including the Commission on Ethics and the Fish and Wildlife Conservation Commission when acting pursuant to statutory authority derived from the Legislature,~~.~~

~~5.~~ *regional* ~~Regional~~ planning agency,~~.~~

~~6.~~ *multicounty* ~~Multicounty~~ special district with a majority of its governing board comprised of nonelected persons,~~.~~

~~7.~~ *educational* ~~Educational~~ units*, and*~~.~~

~~8.~~ *those entities* ~~Entity~~ described in chapters 163, 373, 380, and 582 and s. 186.504.

Section 3. Paragraph (b) of subsection (5) of section 120.54, Florida Statutes, is amended to read:

120.54 Rulemaking.—

(5) UNIFORM RULES.—

(b) The uniform rules of procedure adopted by the commission pursuant to this subsection shall include, but *are* not ~~be~~ limited to:

1. Uniform rules for the scheduling of public meetings, hearings, and workshops.

2. Uniform rules for use by each state agency that provide procedures for conducting public meetings, hearings, and workshops, and for taking evidence, testimony, and argument at such public meetings, hearings, and workshops, in person and by means of communications media technology. The rules shall provide that all evidence, testimony, and argument presented shall be afforded equal consideration, regardless of the method of communication. If a public meeting, hearing, or workshop is to be conducted by means of communications media technology, or if attendance may be provided by such means, the notice shall so state. The notice for public meetings, hearings, and workshops utilizing communications media technology shall state how persons interested in attending may do so and shall name locations, if any, where communications media technology facilities will be available. Nothing in this paragraph shall be construed to diminish the right to inspect public records under chapter 119. Limiting points of access to public meetings, hearings, and workshops subject to the provisions of s. 286.011 to places not normally open to the public shall be presumed to violate the right of access of the public, and any official action taken under such circumstances is void and of no effect. Other laws relating to public meetings, hearings, and workshops, including penal and remedial provisions, shall apply to public meetings, hearings, and workshops conducted by means of communications media technology, and shall be liberally construed in their application to such public meetings, hearings, and workshops. As used in this subparagraph, "communications media technology" means the electronic transmission of printed matter, audio, full-motion video,

freeze-frame video, compressed video, and digital video by any method available.

3. Uniform rules of procedure for the filing of notice of protests and formal written protests.

4. Uniform rules of procedure for the filing of petitions for administrative hearings pursuant to s. 120.569 or s. 120.57. Such rules shall *require the petition to state* ~~include~~:

a. The identification of the petitioner.

b. ~~A statement of~~ When and how the petitioner received notice of the agency's action or proposed action.

c. ~~An explanation of~~ How the petitioner's substantial interests are or will be affected by the action or proposed action.

d. ~~A statement of~~ All material facts disputed by the petitioner or a statement that there are no disputed facts.

e. ~~A statement of~~ The ultimate facts alleged, including a statement of the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action.

f. ~~A statement of~~ The specific rules or statutes *that* the petitioner contends require reversal or modification of the agency's proposed action *and to explain how the alleged facts relate to the specific rules or statutes*.

g. ~~A statement of~~ The relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the proposed action.

5. Uniform rules of procedure for the filing and prompt disposition of petitions for declaratory statements.

6. Provision of a method by which each agency head shall provide a description of the agency's organization and general course of its operations.

7. Uniform rules establishing procedures for granting or denying petitions for variances and waivers pursuant to s. 120.542.

Section 4. Paragraph (e) of subsection (2) of section 120.569, Florida Statutes, is amended, and paragraph (o) is added to subsection (2) of that section, to read:

120.569 Decisions which affect substantial interests.—

(2)

(e)*1. Every pleading, written motion, and other paper filed in a proceeding must be signed by at least one attorney or qualified representative of record in the attorney's or qualified representative's individual name, or, if the party is not represented by an attorney or qualified representative, the pleading, written motion, or other paper must be signed by the party. An unsigned paper shall be stricken unless omission of the signature is corrected promptly after being called to the attention of the attorney, qualified representative, or party.*

2. By presenting a pleading, written motion, including a motion filed under subparagraph 4., or other paper, whether by signing, filing, submitting, or later advocating, an attorney, qualified representative, or unrepresented party is certifying that, to the best of the person's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances:

a. The pleading, written motion, or other paper is not being presented for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation;

b. The claims, defenses, and other legal contentions contained in the pleading, written motion, or other paper are warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law;

c. The allegations and other factual contentions have evidentiary support or, if specifically identified, are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery; and

d. The denials of factual contentions are warranted on the evidence or, if specifically identified, are reasonably based on lack of information or belief.

Nothing in this subparagraph shall be construed to prohibit the amendment of a petition during or after discovery.

3. If, after notice and reasonable opportunity to respond, the presiding officer determines that subparagraph 2. has been violated, the presiding officer may impose an appropriate sanction against the person who signed it, the represented party, or both, which may include an order to pay the other party or parties the amount of reasonable expenses incurred because of the filing of the pleading, motion, or other paper, including reasonable attorney's fees. However:

a. Monetary sanctions may not be awarded against a represented party for a violation of sub-subparagraph 2.b.

b. Monetary sanctions may not be awarded under this paragraph based on a violation of discovery rules.

c. Monetary sanctions imposed shall be limited to what is sufficient to deter repetition of such conduct or comparable conduct by others similarly situated.

d. An agency may indemnify its attorney for sanctions imposed on the attorney if the conduct giving rise to the sanction was taken within the scope of employment and the indemnification is in the interest of the agency.

e. This paragraph does not authorize the award of sanctions for the submission of written comments or objections during an authorized period for public comment or at a public meeting, including, but not limited to, submissions of comments or objections regarding draft permits.

4. Sanctions under this paragraph may be initiated at any time after the initiation of a proceeding either by motion or on the presiding officer's own initiative. A motion shall describe the specific conduct alleged to violate subparagraph 2. The motion shall be served upon the attorney or qualified representative of a party or an unrepresented party against whom such sanctions are sought, but shall not be filed with or presented to the presiding officer unless, within 21 days after service of the motion, the challenged paper, claim, defense, contention, allegation, or denial is not withdrawn or appropriately corrected. If a party elects to oppose a motion rather than withdrawing or correcting the challenged paper, claim, defense, contention, allegation, or denial that party shall file a copy of the motion and its written objection with the presiding officer within 14 days after service of the motion. After 21 days following service of the motion, the moving party may file the motion if the party against whom such sanctions are sought has not filed a copy of the motion and its written objection with the presiding officer within 14 days after service of the motion or withdrawn or corrected the challenged paper, claim, defense, contention, allegation, or denial. Upon the filing of the motion and any timely opposition or response, the presiding officer shall immediately rule on the matter or set the matter for hearing, if the presiding officer considers a hearing warranted based on the filed motion and any objection or response. A presiding officer's own initiative to impose sanctions may be undertaken only after entering an order describing the specific conduct that appears to violate subparagraph 2. and directing the attorney or qualified representative of a party or the unrepresented party to show cause why subparagraph 2. has not been violated. When imposing sanctions, the presiding officer shall describe the conduct determined to constitute a violation of subparagraph 2. and explain the basis for the sanction imposed. ~~All pleadings, motions, or other papers filed in the proceeding must be signed by the party, the party's attorney, or the party's qualified representative. The signature constitutes a certificate that the person has read the pleading, motion, or other paper and that, based upon reasonable inquiry, it is not interposed for any improper purposes, such as to harass or to cause unnecessary delay, or for frivolous purpose or needless increase in the cost of litigation. If a pleading, motion, or other paper is signed in violation of these requirements, the presiding officer shall impose upon the person who signed it, the represented party, or both, an appropriate sanction, which may include an order to pay the other party or parties~~

~~the amount of reasonable expenses incurred because of the filing of the pleading, motion, or other paper, including a reasonable attorney's fee.~~

(o) On request of any party, the administrative law judge shall enter an initial scheduling order to facilitate the just, speedy, and inexpensive determination of the proceeding. The initial scheduling order shall establish a discovery period, including a deadline by which all discovery shall be completed, and the date by which the parties shall identify expert witnesses and their opinions. The initial scheduling order also may require the parties to meet and file a joint report by a date certain.

Section 5. Paragraphs (i) and (k) of subsection (1) of section 120.57, Florida Statutes, are amended to read:

120.57 Additional procedures for particular cases.—

(1) ADDITIONAL PROCEDURES APPLICABLE TO HEARINGS INVOLVING DISPUTED ISSUES OF MATERIAL FACT.—

(i) When, in any proceeding conducted pursuant to this subsection, a dispute of material fact no longer exists, any party may move the administrative law judge to relinquish jurisdiction to the agency. *An order relinquishing jurisdiction shall be rendered if the administrative law judge determines from* ~~In ruling on such a motion, the administrative law judge may consider~~ the pleadings, depositions, answers to interrogatories, and admissions on file, together with supporting and opposing affidavits, if any*, that no genuine issue as to any material fact exists*. If the administrative law judge enters an order relinquishing jurisdiction, the agency may promptly conduct a proceeding pursuant to subsection (2), if appropriate, but the parties may not raise any issues of disputed fact that could have been raised before the administrative law judge. An order entered by an administrative law judge relinquishing jurisdiction to the agency based upon a determination that no genuine dispute of material fact exists, need not contain findings of fact, conclusions of law, or a recommended disposition or penalty.

(k) The presiding officer shall complete and submit to the agency and all parties a recommended order consisting of findings of fact, conclusions of law, and recommended disposition or penalty, if applicable, and any other information required by law to be contained in the final order. All proceedings conducted pursuant to this subsection shall be de novo. The agency shall allow each party 15 days in which to submit written exceptions to the recommended order. *An agency shall not grant an exception that does not clearly identify the disputed portion of the recommended order by page number and paragraph, does not identify the legal basis for the exception, or does not include appropriate and specific citations to the record.*

Section 6. Paragraphs (c) and (e) of subsection (1) and subsection (5) of section 120.595, Florida Statutes, are amended to read:

120.595 Attorney's fees.—

(1) CHALLENGES TO AGENCY ACTION PURSUANT TO SECTION 120.57(1).—

(c) In proceedings pursuant to s. 120.57(1), and upon motion, the administrative law judge shall determine whether any party participated in the proceeding for an improper purpose as defined by this subsection ~~and s. 120.569(2)(e)~~. In making such determination, the administrative law judge shall consider whether the nonprevailing adverse party has participated in two or more other such proceedings involving the same prevailing party and the same project as an adverse party and in which such two or more proceedings the nonprevailing adverse party did not establish either the factual or legal merits of its position, and shall consider whether the factual or legal position asserted in the instant proceeding would have been cognizable in the previous proceedings. In such event, it shall be rebuttably presumed that the nonprevailing adverse party participated in the pending proceeding for an improper purpose.

(e) For the purpose of this subsection:

1. "Improper purpose" means participation in a proceeding pursuant to s. 120.57(1) primarily to harass or to cause unnecessary delay or for frivolous purpose or to needlessly increase the cost of *litigation,* licensing*,* or securing the approval of an activity.

2. "Costs" has the same meaning as the costs allowed in civil actions in this state as provided in chapter 57.

3. "Nonprevailing adverse party" means a party that has failed to have substantially changed the outcome of the proposed or final agency action which is the subject of a proceeding. In the event that a proceeding results in any substantial modification or condition intended to resolve the matters raised in a party's petition, it shall be determined that the party having raised the issue addressed is not a nonprevailing adverse party. The recommended order shall state whether the change is substantial for purposes of this subsection. In no event shall the term "nonprevailing party" or "prevailing party" be deemed to include any party that has intervened in a previously existing proceeding to support the position of an agency.

(5) APPEALS.—When there is an appeal, the court in its discretion may award reasonable attorney's fees and reasonable costs to the prevailing party if the court finds that the appeal was frivolous, meritless, or an abuse of the appellate process, or that the agency action which precipitated the appeal was a gross abuse of the agency's discretion. Upon review of agency action that precipitates an appeal, if the court finds that the agency improperly rejected or modified findings of fact in a recommended order, the court shall award reasonable attorney's fees and reasonable costs to a prevailing appellant for the administrative proceeding and the appellate proceeding. *If the court finds that the agency improperly rejected or modified a conclusion of law or an interpretation of an administrative rule over which it does not have substantive jurisdiction, the court may award reasonable attorney's fees and reasonable costs of the appeal to the prevailing appellant.*

Section 7. Subsection (1) of section 120.60, Florida Statutes, is amended to read:

120.60 Licensing.—

(1) Upon receipt of an application for a license, an agency shall examine the application and, within 30 days after such receipt, notify the applicant of any apparent errors or omissions and request any additional information the agency is permitted by law to require. An agency shall not deny a license for failure to correct an error or omission or to supply additional information unless the agency timely notified the applicant within this 30-day period. An application shall be considered complete upon receipt of all requested information and correction of any error or omission for which the applicant was timely notified or when the time for such notification has expired. Every application for a license shall be approved or denied within 90 days after receipt of a completed application unless a shorter period of time for agency action is provided by law. The 90-day time period shall be tolled by the initiation of a proceeding under ss. 120.569 and 120.57. *Any* ~~An~~ application for a license *that is not* ~~must be~~ approved or denied within the 90-day or shorter time period, within 15 days after ~~the~~ conclusion of a public hearing held on the application, or within 45 days after a recommended order is submitted to the agency and the parties, whichever *action and timeframe* is *latest and applicable, is considered approved unless the recommended order recommends that the agency deny the license. Subject to the satisfactory completion of an examination if required as a prerequisite to licensure, any license that is considered approved shall be issued and may include such reasonable conditions as are authorized by law* ~~later~~. ~~The agency must approve any application for a license or for an examination required for licensure if the agency has not approved or denied the application within the time periods prescribed by this subsection.~~

Section 8. Subsection (9) of section 120.68, Florida Statutes, is amended to read:

120.68 Judicial review.—

(9) No petition challenging an agency rule as an invalid exercise of delegated legislative authority shall be instituted pursuant to this section, except to review an order entered pursuant to a proceeding under s. 120.56 *or an agency's findings of immediate danger, necessity,*

and procedural fairness prerequisite to the adoption of an emergency rule pursuant to s. 120.54(4), unless the sole issue presented by the petition is the constitutionality of a rule and there are no disputed issues of fact.

Section 9. *It is the intent of the Legislature that this act shall not affect the outcome of litigation styled Pinecrest Lakes, Inc. v. Shidel, 795 So. 2d 191 (Fla. 4th DCA 2001).*

Section 10. This act shall take effect upon becoming a law.

And the title is amended as follows:

On page 1, lines 3 through 19,
remove: all of said lines

and insert: amending s. 57.111, F.S.; increasing the limitation on an award of attorney's fees and costs in an action initiated by a state agency; amending s. 120.52, F.S.; revising sentence structure and capitalization; amending s. 120.54, F.S.; revising the Uniform Rules of Procedure; amending s. 120.569, F.S.; revising requirements for pleadings, motions, and other papers filed under the Administrative Procedure Act; providing for sanctions for noncompliance with those requirements; requiring administrative law judge to enter scheduling orders under specified circumstances; amending s. 120.57, F.S.; revising provisions relating to motions to relinquish jurisdiction; prohibiting agencies from granting exceptions to a recommended order under specified circumstances; amending s. 120.595, F.S.; redefining the term "improper purpose" for determining an award of attorney's fees; specifying grounds for the award of attorney's fees and costs of an appeal; amending s. 120.60, F.S.; revising provisions relating to applications for licenses; amending s. 120.68, F.S.; prescribing exceptions to the prohibition against petitions challenging rules as an invalid exercise of delegated legislative authority; providing legislative intent; providing an effective date.

Rep. Spratt moved the adoption of the amendment.

Representative(s) Crow offered the following:

(Amendment Bar Code: 031987)

Amendment 1 to Amendment 1 (with title amendment)—On page 2, line 5 through page 13, line 29,
remove: all of said lines

And the title is amended as follows:

On page 14, line 10 through page 15, line 3, of the amendment
remove: all of said lines

Rep. Crow moved the adoption of the amendment to the amendment.

THE SPEAKER IN THE CHAIR

The question recurred on the adoption of Amendment 1 to Amendment 1, which failed of adoption. The vote was:

Session Vote Sequence: 896

Yeas—42

Ausley	Fields	Lee	Russell
Baker	Frankel	Lerner	Ryan
Bendross-Mindingall	Gannon	McGriff	Seiler
Betancourt	Gelber	Meadows	Slosberg
Brummer	Gottlieb	Needelman	Smith
Brutus	Greenstein	Negron	Weissman
Bucher	Harper	Peterman	Wiles
Crow	Henriquez	Pickens	Wilson
Cusack	Heyman	Rich	Wishner
Detert	Joyner	Richardson	
Farkas	Kosmas	Romeo	

Nays—64

The Chair	Allen	Arza	Atwater
Alexander	Andrews	Attkisson	Ball
Baxley	Davis	Harrington	Mayfield
Bean	Diaz de la Portilla	Hart	Maygarden
Bennett	Diaz-Balart	Holloway	Mealor
Bense	Dockery	Jennings	Melvin
Benson	Evers	Johnson	Murman
Berfield	Fasano	Kallinger	Prieguez
Bilirakis	Flanagan	Kendrick	Ross
Bowen	Garcia	Kilmer	Rubio
Brown	Gardiner	Kravitz	Simmons
Bullard	Gibson	Littlefield	Spratt
Byrd	Goodlette	Lynn	Stansel
Cantens	Green	Machek	Trovillion
Carassas	Haridopolos	Mack	Wallace
Clarke	Harrell	Mahon	Waters

Votes after roll call:
Yeas—Argenziano, Fiorentino, Ritter, Siplin
Nays—Jordan

Representative(s) Greenstein offered the following:

(Amendment Bar Code: 722247)

Amendment 2 to Amendment 1 (with title amendment)—On page 2, line 5 through page 13, line 29,
remove: all of said lines

And the title is amended as follows:

On page 14, line 10, through page 15, line 4, of the amendment
remove: all of said lines

Rep. Greenstein moved the adoption of the amendment to the amendment. Subsequently, **Amendment 2 to Amendment 1** was withdrawn.

THE SPEAKER PRO TEMPORE IN THE CHAIR

The question recurred on the adoption of **Amendment 1**, which was adopted. The vote was:

Session Vote Sequence: 897

Yeas—68

The Chair	Brummer	Harrell	Mayfield
Allen	Cantens	Harrington	Maygarden
Andrews	Carassas	Hart	Mealor
Argenziano	Clarke	Hogan	Melvin
Arza	Crow	Jennings	Needelman
Atwater	Davis	Johnson	Negron
Baker	Detert	Kallinger	Paul
Ball	Diaz de la Portilla	Kendrick	Pickens
Baxley	Dockery	Kilmer	Prieguez
Bean	Evers	Kottkamp	Ross
Bennett	Farkas	Kravitz	Rubio
Bense	Fasano	Lacasa	Russell
Benson	Fiorentino	Lee	Simmons
Berfield	Flanagan	Littlefield	Spratt
Bilirakis	Gibson	Lynn	Stansel
Bowen	Green	Machek	Wallace
Brown	Haridopolos	Mack	Waters

Nays—33

Ausley	Gelber	Lerner	Slosberg
Bendross-Mindingall	Gottlieb	McGriff	Smith
Betancourt	Greenstein	Meadows	Weissman
Bullard	Harper	Peterman	Wiles
Cusack	Henriquez	Rich	Wilson
Fields	Heyman	Richardson	Wishner
Frankel	Holloway	Romeo	
Gannon	Joyner	Ryan	
Garcia	Kosmas	Seiler	

Votes after roll call:
Yeas—Attkisson, Trovillion
Nays—Brutus, Ritter, Siplin

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

CS/HB 1545—A bill to be entitled An act relating to burden of proof in negligence actions involving transitory foreign objects or substances; creating s. 768.0710, F.S.; providing requirements with respect to the burden of proof in claims against persons or entities in possession or control of business premises; providing for the application of the act; providing an effective date.

—was read the second time by title and, under Rule 10.13(b), referred to the Engrossing Clerk.

CS/HB 445—A bill to be entitled An act relating to public records exemptions; amending s. 119.07, F.S.; providing an exemption from public records requirements for specified personal identifying information relating to a utility customer held by a utility owned or operated by an agency; providing for retroactive application of the exemption; providing for future review and repeal; providing a statement of public necessity; providing an effective date.

—was read the second time by title and, under Rule 10.13(b), referred to the Engrossing Clerk.

CS/CS/HB 571—A bill to be entitled An act relating to civil penalties; amending s. 318.21, F.S.; authorizing use of civil penalties to fund local law enforcement automation under certain circumstances; amending s. 318.1451, F.S.; removing provision that prohibits governmental entities and the court from providing information regarding driver improvement schools or course providers; authorizing the department and the court to prepare a traffic school reference guide and specifying what information shall be included therein; providing an effective date.

—was read the second time by title.

Representative(s) Mayfield offered the following:

(Amendment Bar Code: 731489)

Amendment 1 (with title amendment)—On page 2, line 9, after the period

insert: *However, if the violation occurred on an interstate highway or the Florida Turnpike, such funds shall be deposited into the Grants and Donations Trust Fund within the Florida Department of Law Enforcement for the purpose of funding state law enforcement communications or automation.*

And the title is amended as follows:

On page 1, line 13, after the semicolon

insert: providing for deposit of funds from moving violations occurring on an interstate or the Florida Turnpike into the Grants and Donations Trust Fund within the Florida Department of Law Enforcement and providing for use of funds

Rep. Harrington moved the adoption of the amendment, which was adopted.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

CS/HB 893—A bill to be entitled An act relating to regulation of movers; providing definitions; providing construction, intent, and application; providing for registration with the Department of Agriculture and Consumer Services; authorizing the department to adopt rules; providing for fees; providing for display of certain information; providing for local registration; providing requirements, procedures, criteria, and limitations; authorizing the department to charge certain fees; providing for denial of or refusal to renew registration; providing security requirements and procedures; requiring estimates of moving costs; providing requirements and criteria; providing for delivery and storage of household goods; specifying violations; providing that certain violations constitute deceptive and unfair trade practices; providing penalties; providing for relief; providing for deposit of funds; providing intent regarding preemption of local laws; providing for enforcement by the department under cooperative agreements with local governments; providing an effective date.

—was read the second time by title.

On motion by Rep. Johnson, under Rule 12.2(c), the following late-filed amendment was considered.

Representative(s) Johnson offered the following:

(Amendment Bar Code: 501575)

Amendment 1 (with title amendment)—
Remove everything after the enacting clause

and insert:

Section 1. *Definitions.—For the purposes of this act, the term:*

(1) "Accessorial services" means any service performed by a mover which results in a charge to the shipper and is incidental to the transportation service, including, but not limited to, valuation coverage; preparation of written inventory; equipment, including dollies, hand-trucks, pads, blankets, and straps; storage, packing, unpacking, or crating of articles; hoisting or lowering; waiting time; long carry, which is defined as carrying articles excessive distances between the mover's vehicle and the residence; overtime loading and unloading; reweighing; disassembly or reassembly; elevator or stair carrying; boxing or servicing of appliances; and furnishing of packing or crating materials. Accessorial services also include services not performed by the mover but by a third party at the request of the shipper or mover, if the charges for such services are to be paid to the mover by the shipper at or prior to the time of delivery.

(2) "Advertise" means to advise, announce, give notice of, publish, or call attention by use of oral, written, or graphic statement made in a newspaper or other publication or on radio or television, any electronic medium, or contained in any notice, handbill, sign, including signage on vehicle, flyer, catalog or letter, or printed on or contained in any tag or label attached to or accompanying any good.

(3) "Compensation" means money, fee, emolument, quid pro quo, barter, remuneration, pay, reward, indemnification, or satisfaction.

(4) "Contract for service" or "bill of lading" means a written document approved by the shipper in writing prior to the performance of any service which authorizes services from the named mover and lists the services and all costs associated with the transportation of household goods and accessorial services to be performed.

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

(6) "Estimate" means a written document which sets forth the total cost and the basis of such costs related to a shipper's move, which shall include, but not be limited to, transportation or accessorial services.

(7) "Household goods" means personal effects or other personal property found in a home, personal residence, storage facility, or other location, including property in a storehouse or warehouse facility that is owned or rented by a shipper or shipper's agent, but does not include freight or personal property moving to or from a factory, store, or other place of business.

(8) "Mover" means any person who engages in the transportation or shipment of household goods for compensation.

(9) "Shipper" means any person who uses the services of a mover to transport or ship household goods.

(10) "Storage" means warehousing of the shipper's goods while under the care, custody, and control of the mover.

Section 2. *Construction; intent; application.—*

(1) The provisions of this act shall be construed liberally to:

(a) Establish the law of this state governing the transportation, shipment, and affiliated storage of household goods.

(b) Address moving practices in this state in a manner not inconsistent with federal law relating to consumer protection.

(2) The provisions of this act shall apply to the operations of any mover engaged in the intrastate transportation of household goods, except this act shall not be construed to include shipments contracted by the United States, the state, or any local government or political subdivision of the state. The provisions of this act shall only apply to the transportation of household goods originating in this state and terminating in this state.

(3) It is the intent of this act to secure the satisfaction and confidence of shippers and members of the public when using a mover.

(4) Nothing in this act shall be construed to remove the authority or jurisdiction of any federal agency with respect to goods or services regulated or controlled under other provisions of law.

Section 3. *Registration.—*

(1) Each mover shall annually register with the department, providing its legal business and trade name, mailing address, and business locations; the full names, addresses, telephone numbers, and social security numbers of its owners or corporate officers and directors and the Florida agent of the corporation; a statement whether it is a domestic or foreign corporation, its state and date of incorporation, its charter number, and, if a foreign corporation, the date it registered with the State of Florida, and occupational license where applicable; the date on which a mover registered its fictitious name if the mover is operating under a fictitious or trade name; the name of all other corporations, business entities, and trade names through which each owner of the mover operated, was known, or did business as a mover within the preceding 5 years; and proof of purchase of adequate bond or establishment of a letter of credit or certificate of deposit as required in this act.

(2) A certificate evidencing proof of registration shall be issued by the department and must be prominently displayed in the mover's primary place of business.

(3) Registration fees shall be $300 per year per mover. All amounts collected shall be deposited by the Treasurer to the credit of the General Inspection Trust Fund of the department for the sole purpose of administration of this act.

(4) Any mover whose principal place of business is located in a county or municipality that requires, by local ordinance, a local license or registration to engage in the business of moving and storage of household goods shall obtain the license or registration from such county or municipality. A mover that obtains such local license or registration shall also be required to pay the state registration fee under subsection (3) and the department shall issue the mover a state certificate of registration upon submission of proof of the local license or registration by the mover.

(5) Each contract of a mover must include the phrase ". . .(NAME OF FIRM). . . is registered with the State of Florida as a Mover. Registration No. . . . . ."

(6) Each advertisement of a mover must include the phrase "Fla. Mover Reg. No. . . . . ."

(7) No registration shall be valid for any mover transacting business at any place other than that designated in its application, unless the department is first notified in writing in advance of any change of location. A registration issued under this act shall not be assignable, and the mover shall not be permitted to conduct business under more than one name except as registered. A mover desiring to change its registered name or location or designated agent for service of process at a time other than upon renewal of registration shall notify the department of such change.

(8) The department may deny or refuse to renew the registration of any mover based upon a determination that the mover, or any of its directors, officers, owners, or general partners:

(a) Has failed to meet the requirements for registration as provided in this act;

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

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

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

(e) Has had a judgment entered against him or her in any action brought by the department or the Department of Legal Affairs pursuant to this act or ss. 501.201-501.213, Florida Statutes, the Florida Deceptive and Unfair Trade Practices Act; or

(f) Each mover shall provide evidence of current and valid insurance coverage as described in section 4.

Section 4. *Cargo legal liability valuation and insurance coverage.—*

(1) A mover operating in this state shall maintain current and valid cargo legal liability valuation and insurance coverage which includes:

(a) Coverage for cargo legal liability for loss or damage to household goods arising or resulting from the negligence of the mover, its employees, or agents, in an amount not less than $10,000 per shipment.

(b) Motor vehicle coverage, including combined bodily injury and property damage liability coverage in the following minimum amounts:

1. $50,000 per occurrence for a commercial motor vehicle with a gross weight of less than 35,000 pounds.

2. $100,000 per occurrence for a commercial motor vehicle with a gross weight of more than 35,000 pounds, but less than 44,000 pounds.

3. $300,000 per occurrence for a commercial motor vehicle with a gross weight of 44,000 pounds or more.

(c) A limitation on the release of a mover's liability for the value of a shipper's goods at a rate not less than 60 cents per pound per article. This limitation of liability shall be disclosed to the shipper in writing at the time the estimate or contract for services is executed prior to the provision of any moving or accessorial services. The disclosure shall also inform the shipper of the opportunity to reject or select additional valuation, including the cost and coverage of such additional valuation.

(2) All insurance coverages required under subsection (1) shall be issued by an insurance company or carrier duly authorized to transact business in the State of Florida. The department may require a mover to present evidence of the required coverages prior to issuance of a registration certificate, or renewal thereof, under section 3 of this act.

Section 5. *Estimates and contracts for service.—Prior to providing any moving or accessorial services, a contract and estimate must be provided to a prospective shipper in writing, must be signed and dated by the shipper and the mover, and must include:*

(1) The name, telephone number, and physical address where the mover's employees are available during normal business hours.

(2) The date the contract or estimate is prepared and any proposed date of the move.

(3) The name and address of the shipper, the addresses where the items are to be picked up and delivered, and a telephone number where the shipper may be reached.

(4) The name, telephone number, and physical address of any location where the goods will be held pending further transportation,

including situations where the mover retains possession of goods pending resolution of a fee dispute with the shipper.

(5) An itemized breakdown and description and total of all costs and services for transportation and accessorial services to be provided during a move or storage of household goods.

(6) Acceptable forms of payment.

Section 6. *Delivery and storage of household goods.—*

(1) A mover must relinquish household goods to a shipper and must place the goods inside a shipper's dwelling unless the shipper has not tendered payment in the amount specified in a written contract or estimate signed and dated by the shipper. A mover may not refuse to relinquish prescription medicines and goods for use by children, including children's furniture, clothing, or toys, under any circumstances.

(2) A mover may not refuse to relinquish household goods to a shipper or fail to place the goods inside a shipper's dwelling based on the mover's refusal to accept an acceptable form of payment.

(3) A mover that lawfully fails to relinquish a shipper's household goods may place the goods in storage until payment is tendered. However, the mover must inform the shipper promptly in writing where the goods are located and the amount due. A mover may not require a prospective shipper to waive any rights or requirements under this section.

Section 7. *Violations.—It is a violation of this act to:*

(1) Conduct business as a mover or advertise to engage in the business of moving or offering to move without first being registered annually with the department.

(2) Knowingly make any false statement, representation, or certification in any application, document, or record required to be submitted or retained under this act.

(3) Misrepresent or deceptively represent:

(a) The contract for services, bill of lading, or inventory of household goods for the move estimated.

(b) The timeframe or schedule for delivery or storage of household goods estimated.

(c) The price, size, nature, extent, qualities, or characteristics of accessorial or moving services offered.

(d) The nature or extent of other goods, services, or amenities offered.

(e) A shipper's rights, privileges, or benefits.

(4) Fail to honor and comply with all provisions of the contract for services or bill of lading regarding the purchaser's rights, benefits, and privileges thereunder.

(5) Withhold delivery of household goods or in any way hold goods in storage against the expressed wishes of the shipper if payment has been made as delineated in the estimate or contract for services.

(6)(a) Include in any contract any provision purporting to waive or limit any right or benefit provided to shippers under this act.

(b) Seek or solicit such waiver or acceptance of limitation from a shipper concerning rights or benefits provided under this act.

(c) Use a local mailing address, registration facility, drop box, or answering service in the promotion, advertising, solicitation, or sale of contracts, unless the mover's fixed business address is clearly disclosed during any telephone solicitation and is prominently and conspicuously disclosed on all solicitation materials and on the contract.

(d) Do any other act which constitutes fraud, misrepresentation, or failure to disclose a material fact.

(e) Refuse or fail, or for any of the mover's principal officers to refuse or fail, after notice, to produce any document or record or disclose any information required to be produced or disclosed.

(f) Knowingly make a material false statement in response to any request or investigation by the department, the Department of Legal Affairs, or the state attorney.

Section 8. *Deceptive and unfair trade practice.—Acts, conduct, practices, omissions, failings, misrepresentations, or nondisclosures which constitute a violation of this act also constitute a deceptive and unfair trade practice for the purpose of ss. 501.201-501.213, Florida Statutes, the Florida Deceptive and Unfair Trade Practices Act, and administrative rules adopted thereunder.*

Section 9. *Administrative remedies; penalties.—*

(1) The department may enter an order doing one or more of the following if the department finds that a mover or person employed or contracted by a mover has violated or is operating in violation of any of the provisions of this act or the rules or orders issued thereunder:

(a) Issuing a notice of noncompliance pursuant to s. 120.695, Florida Statutes.

(b) Imposing an administrative fine not to exceed $5,000 for each act or omission.

(c) Directing that the person cease and desist specified activities.

(d) Refusing to register or revoking or suspending a registration.

(e) Placing the registrant on probation for a period of time, subject to such conditions as the department may specify.

(2) The administrative proceedings which could result in the entry of an order imposing any of the penalties specified in subsection (1) are governed by chapter 120, Florida Statutes.

(3) The department has the authority to adopt rules pursuant to chapter 120, Florida Statutes, to implement this act.

Section 10. *Civil penalties; remedies.—*

(1) The department may institute a civil action in a court of competent jurisdiction to recover any penalties or damages allowed in this act and for injunctive relief to enforce compliance with this act.

(2) The department may seek a civil penalty of up to $5,000 for each violation of this act.

(3) The department may seek restitution for and on behalf of any shipper aggrieved or injured by a violation of this act.

(4) Any provision in a contract for services or bill of lading from a mover that purports to waive, limit, restrict, or avoid any of the duties, obligations, or prescriptions of the mover, as provided in this act, is void and unenforceable and against public policy.

(5) The remedies provided in this act are in addition to any other remedies available for the same conduct, including those provided in local ordinances.

(6) Upon motion of the department in any action brought under this act, the court may make appropriate orders, including appointment of a master or receiver or sequestration of assets, to reimburse shippers found to have been damaged, to carry out a consumer transaction in accordance with the shipper's reasonable expectations, or to grant other appropriate relief.

Section 11. *Criminal penalties.—*

(1) The refusal of a mover or a mover's employee, agent, or contractor to comply with an order from a law enforcement officer to relinquish a shipper's household goods after the officer determines that the shipper has tendered payment of the amount of a written estimate or contract, or after the officer determines that the mover did not produce a signed estimate or contract upon which demand is being made for payment, is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, Florida Statutes. A mover's compliance with an order from a law enforcement officer to relinquish goods to a shipper is not a waiver or finding of fact regarding any right to seek further payment from the shipper.

(2) Except as provided in subsection (1), any person or business that violates this act commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, Florida Statutes.

Section 12. *General Inspection Trust Fund; payments.—Any moneys recovered by the department as a penalty under this act shall be deposited in the General Inspection Trust Fund.*

Section 13. *Local regulation.—The provisions of this act are not intended to preempt local ordinances or regulations of a county or municipality that regulate transactions relating to movers of household goods. As provided in section 3(4), counties and municipalities may require, levy, or collect any registration fee or tax or require the registration or bonding in any manner of any mover. The department may enter into a cooperative agreement with any county or municipality that provides for the referral, investigation, and prosecution of consumer complaints alleging violations of this act.*

Section 14. This act shall take effect July 1, 2002.

And the title is amended as follows:
remove: the entire title

and insert: A bill to be entitled An act relating to regulation of movers; providing definitions; providing construction, intent, and application; providing for registration with the Department of Agriculture and Consumer Services; authorizing the department to adopt rules; providing for fees; providing for display of certain information; providing for local registration; providing requirements, procedures, criteria, and limitations; authorizing the department to charge certain fees; providing for denial of or refusal to renew registration; requiring cargo legal liability valuation and insurance coverage; requiring estimates of moving costs; providing requirements and criteria; providing for delivery and storage of household goods; specifying violations; providing that certain violations constitute deceptive and unfair trade practices; providing penalties; providing for relief; providing for deposit of funds; providing for local regulation; providing for enforcement by the department under cooperative agreements with local governments; providing an effective date.

Rep. Johnson moved the adoption of the amendment.

On motion by Rep. Johnson, under Rule 12.2(c), the following late-filed amendment to the amendment was considered.

Representative(s) Johnson offered the following:

(Amendment Bar Code: 134875)

Amendment 1 to Amendment 1—On page 8, line 9,
remove: all of said line

and insert:

(6) Acceptable forms of payment. A mover shall accept a minimum of two of the three following forms of payment:

(a) Cash, cashier's check, money order, or traveler's check;

(b) Valid personal check, showing upon its face the name and address of the shipper or authorized representative; or

(c) Valid credit card, which shall include, but not be limited to, Visa or MasterCard.

A mover shall clearly and conspicuously disclose to the shipper in the estimate and contract for services the forms of payments the mover it will accept from those categories described in paragraphs (a)-(c).

Rep. Johnson moved the adoption of the amendment to the amendment, which was adopted.

On motion by Rep. Johnson, under Rule 12.2(c), the following late-filed amendment to the amendment was considered.

Representative(s) Johnson offered the following:

(Amendment Bar Code: 651491)

Amendment 2 to Amendment 1 (with title amendment)—On page 13, after line 8 of the amendment

insert:

Section 14. *There is hereby appropriated six full time equivalent positions and $200,000 from General Revenue and $200,000 from the General Inspection Trust Fund in the Department of Agriculture to implement the provisions of this act.*

And the title is amended as follows:

On page 14, line 9, after the semicolon of the amendment

insert: providing an appropriation;

Rep. Johnson moved the adoption of the amendment to the amendment, which was adopted.

THE SPEAKER IN THE CHAIR

The question recurred on the adoption of **Amendment 1**, as amended, which was adopted.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

CS/HB 933—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.4501, F.S., relating to the Public Employee Optional Retirement Program; amending the definition of "eligible employee"; providing for an extension of time to transfer assets from the defined benefit plan in the event of market disruption; providing for acceptance of rollovers; requiring the election be filed with the third-party administrator; amending the earnings rate for funds in the suspense account to be invested by the board; providing for spousal notification of designation of beneficiary; providing for spousal rollovers to an eligible retirement plan; providing authorization for statements under oath; amending s. 121.571, F.S., relating to contributions to participant accounts; providing for a penalty for late contributions; providing for an assessment equal to certain market losses and the calculation thereof; providing an effective date.

—was read the second time by title.

Representative(s) Fasano offered the following:

(Amendment Bar Code: 642017)

Amendment 1 (with title amendment)—On page 1, line 26, of the bill

insert:

Section 1. Paragraph (b) of subsection (1) of section 121.053, Florida Statutes, is amended to read:

121.053 Participation in the Elected Officers' Class for retired members.—

(1)

(b) Any retired member of the Florida Retirement System, or any existing system as defined in s. 121.021(2), who, on or after July 1, 1990, is serving in, or is elected or appointed to, an elective office covered by the Elected Officers' Class shall be enrolled in the appropriate subclass of the Elected Officers' Class of the Florida Retirement System, and applicable contributions shall be paid into the Florida Retirement System Trust Fund as provided in s. 121.052(7). Pursuant thereto:

1. Any such retired member shall be eligible to continue to receive retirement benefits as well as compensation for the elected officer service for as long as he or she remains in an elective office covered by the Elected Officers' Class.

2. If any such member serves in an elective office covered by the Elected Officers' Class and becomes vested under that class, he or she shall be entitled to receive an additional retirement benefit for such elected officer service.

3. Such member shall be entitled to purchase additional retirement credit in the Elected Officers' Class for any postretirement service performed in an elected position eligible for the Elected Officers' Class prior to July 1, 1990, or in the Regular Class for any postretirement service performed in any other regularly established position prior to July 1, 1991, by paying the applicable Elected Officers' Class or Regular Class employee and employer contributions for the period being claimed, plus 4 percent interest compounded annually from the first year of service claimed until July 1, 1975, and 6.5 percent interest compounded thereafter, until full payment is made to the Florida Retirement System Trust Fund. The contribution for postretirement Regular Class service between July 1, 1985, and July 1, 1991, for which the reemployed retiree contribution was paid, shall be the difference between such contribution and the total applicable contribution for the period being claimed, plus interest. The employer of such member may pay the applicable employer contribution in lieu of the member. If a member does not wish to claim credit for all of the postretirement service for which he or she is eligible, the service the member claims must be the most recent service.

4. Creditable service for which credit was received, or which remained unclaimed, at retirement may not be claimed or applied toward service credit earned following renewed membership. However, service earned in accordance with the renewed membership provisions in s. 121.122 may be used in conjunction with creditable service earned under this paragraph, provided applicable vesting requirements and other existing statutory conditions required by this chapter are met.

5. *An elected officer who is elected or appointed to an elective office and is participating in the Deferred Retirement Option Program is not subject to termination as provided in s. 121.021(39)(b), or reemployment limitations as provided in s. 121.091(9), until the end of his or her current term of office or, if the officer is consecutively elected or reelected to an elective office eligible for coverage under the Florida Retirement System, until he or she no longer holds such an elective office, as follows:*

a. At the end of the 60-month DROP period:

(I) The officer's DROP account shall accrue no additional monthly benefits, but shall continue to earn interest as provided in s. 121.091(13).

(II) No retirement contributions shall be required of the employer of the elected officer and no additional retirement credit shall be earned under the Florida Retirement System.

b. Nothing herein shall prevent an elected officer from voluntarily terminating his or her elective office at any time and electing to receive his or her DROP proceeds. However, until termination requirements are fulfilled as provided in s. 121.021(39), any elected officer whose termination limitations are extended by this section shall be ineligible for renewed membership in the system and shall receive no pension payments, DROP lump sum payments, or any other state payment other than the statutorily determined salary, travel, and per diem for the elective office.

c. Upon termination, the officer shall receive his or her accumulated DROP account, plus interest, and shall accrue and commence receiving monthly retirement benefits, which shall be paid on a prospective basis only.

However, an officer electing to participate in the Deferred Retirement Option Program on or before June 30, 2002, shall not be required to terminate and shall remain subject to the provisions of this subparagraph as adopted in section 1 of chapter 2001-235, Laws of Florida ~~Any elected officer who is a participating member of DROP may terminate participation at any time during the 60-month DROP participation period and elect to enroll in the appropriate subclass of the Elected Officers' Class, including participating in the Senior Management Service Class, effective the first day of the following month~~.

Section 2. Paragraph (b) of subsection (13) of section 121.091, Florida Statutes, is amended to read:

121.091 Benefits payable under the system.—Benefits may not be paid under this section unless the member has terminated employment as provided in s. 121.021(39)(a) or begun participation in the Deferred Retirement Option Program as provided in subsection (13), and a proper application has been filed in the manner prescribed by the department. The department may cancel an application for retirement benefits when the member or beneficiary fails to timely provide the information and documents required by this chapter and the department's rules. The department shall adopt rules establishing procedures for application for retirement benefits and for the cancellation of such application when the required information or documents are not received.

(13) DEFERRED RETIREMENT OPTION PROGRAM.—In general, and subject to the provisions of this section, the Deferred Retirement Option Program, hereinafter referred to as the DROP, is a program under which an eligible member of the Florida Retirement System may elect to participate, deferring receipt of retirement benefits while continuing employment with his or her Florida Retirement System employer. The deferred monthly benefits shall accrue in the System Trust Fund on behalf of the participant, plus interest compounded monthly, for the specified period of the DROP participation, as provided in paragraph (c). Upon termination of employment, the participant shall receive the total DROP benefits and begin to receive the previously determined normal retirement benefits. Participation in the DROP does not guarantee employment for the specified period of DROP.

(b) Participation in the DROP.—

1. An eligible member may elect to participate in the DROP for a period not to exceed a maximum of 60 calendar months immediately following the date on which the member first reaches his or her normal retirement date or the date to which he or she is eligible to defer his or her election to participate as provided in subparagraph (a)2. However, a member who has reached normal retirement date prior to the effective date of the DROP shall be eligible to participate in the DROP for a period of time not to exceed 60 calendar months immediately following the effective date of the DROP, except a member of the Special Risk Class who has reached normal retirement date prior to the effective date of the DROP and whose total accrued value exceeds 75 percent of average final compensation as of his or her effective date of retirement shall be eligible to participate in the DROP for no more than 36 calendar months immediately following the effective date of the DROP.

2. Upon deciding to participate in the DROP, the member shall submit, on forms required by the division:

a. A written election to participate in the DROP;

b. Selection of the DROP participation and termination dates, which satisfy the limitations stated in paragraph (a) and subparagraph 1. Such termination date shall be in a binding letter of resignation with the employer, establishing a deferred termination date. The member may change the termination date within the limitations of subparagraph 1., but only with the written approval of his or her employer;

c. A properly completed DROP application for service retirement as provided in this section; and

d. Any other information required by the division.

3. The DROP participant shall be a retiree under the Florida Retirement System for all purposes, except for paragraph (5)(f) and subsection (9) and ss. 112.3173, 112.363, 121.053, and 121.122. However, participation in the DROP does not alter the participant's employment status and such employee shall not be deemed retired from employment until his or her deferred resignation is effective and termination occurs as provided in s. 121.021(39).

4. Elected officers shall be eligible to participate in the DROP subject to the following:

a. An elected officer who reaches normal retirement date during a term of office may defer the election to participate in the DROP until the next succeeding term in that office. Such elected officer who exercises this option may participate in the DROP for up to 60 calendar months or a period of no longer than such succeeding term of office, whichever is less.

b. An elected or a nonelected participant may run for a term of office while participating in DROP and, if elected, extend the DROP termination date accordingly, except, however, if such additional term of office exceeds the 60-month limitation established in subparagraph 1., and the officer does not resign from office within such 60-month limitation, the retirement and the participant's DROP shall be null and void as provided in sub-subparagraph (c)5.d.

c. An elected officer who is dually employed and elects to participate in DROP shall be required to satisfy the definition of termination within the 60-month limitation period as provided in subparagraph 1. for the nonelected position and may continue employment as an elected officer as provided in s. 121.053. The elected officer will be enrolled as a renewed member in the Elected Officers' Class or the Regular Class, as provided in ss. 121.053 and 121.22, on the first day of the month after termination of employment in the nonelected position and termination of DROP. Distribution of the DROP benefits shall be made as provided in paragraph (c).

~~d. An elected officer who is elected or appointed to an elective office is not subject to termination limitations as provided in chapter 121.~~

And the title is amended as follows:

On page 1, line 3, after "System;"

insert: amending s. 121.053, F.S., relating to termination requirements and benefits of elected officers participating in the Deferred Retirement Option Program; amending s. 121.091, F.S., regarding Deferred Retirement Option Program termination requirements for elected officers;

Rep. Fasano moved the adoption of the amendment, which was adopted.

Representative(s) Rubio offered the following:

(Amendment Bar Code: 870471)

Amendment 2—On page 17, line 29,
remove: all of said line

and insert: *considered late, unless, in the opinion of the division and/or the board, exceptional circumstances beyond an employer's control prevented remittance by the prescribed due date notwithstanding such employer's good faith efforts to effect delivery. Such a waiver of delinquency by the division and/or board may be granted an employer only one time each fiscal year. The employer shall be assessed a penalty of 1*

Rep. Rubio moved the adoption of the amendment, which was adopted.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

HB 935—A bill to be entitled An act relating to public records; amending s. 121.4501, F.S.; providing for an exception from the public records laws of records identifying program participants in the Public Employee Optional Retirement Program or reflecting their investment activities and providing for limited confidentiality; providing a statement of public necessity; providing an effective date.

—was read the second time by title.

The Committee on State Administration offered the following:

(Amendment Bar Code: 422161)

Amendment 1 (with title amendment)—
Remove everything after the enacting clause

and insert:

Section 1. Subsection (19) is added to section 121.4501, Florida Statutes, to read:

121.4501 Public Employee Optional Retirement Program.—

(19) PARTICIPANT RECORDS.—All personal identifying information regarding a participant in the Public Employee Optional Retirement Program contained in Florida Retirement System records held by the State Board of Administration or the Department of Management Services, or their agents, employees, or contractors are exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. The department or board may use such exempt information as necessary in any legal or administrative proceeding. This subsection is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, and shall stand repealed October 2, 2007, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. *The Legislature finds that it is a public necessity that such identifying information be made exempt because release of this information would allow investment providers who are not approved Public Employee Optional Retirement Program providers to contact program participants in order to offer unapproved investment products. This would be very confusing to program participants because there are already a number of choices to be made in this area. Also, if identifying information is released then anyone could find out how much money a participant had with an investment provider and in a particular investment product. Release of this information would also allow competing approved providers to contact the participants. Release of this information to approved or unapproved providers could prove detrimental to the overall effectiveness and efficiency of the agency's administration of the program. Additionally, this exemption is narrow in that it allows access to information regarding the providers and products that are being selected by program participants and the amount of money invested in those products, but does so without revealing the identity of the individual participant.*

Section 3. This act shall take effect upon becoming law.

And the title is amended as follows:

On page 1, lines 3 through 8,
remove: all of said lines

and insert: 121.4501, F.S.; creating a public records exemption for personal identifying information regarding participants in the Public Employee Optional Retirement Program; providing an exception to the exemption; providng for future review and repeal; providing a statement of

Rep. Rubio moved the adoption of the amendment, which was adopted.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

On motion by Rep. Goodlette, the House returned to consideration of CS for SB 520.

CS for SB 520—A bill to be entitled An act relating to driver's licenses; amending s. 322.051, F.S.; revising application requirements for the issuance of an identification card; revising the expiration period for an identification card issued to a person who established his or her identity by using specified identification documents; amending s. 322.08, F.S.; revising application requirements for the issuance of a driver's license; amending s. 322.17, F.S.; revising requirements relating to the issuance of a duplicate driver's license; amending s. 322.18, F.S.; revising the expiration period for a driver's license issued to a person who established his or her identity by using specified identification documents; requiring a person issued such a license to renew it in person and submit certain identification documents; amending s. 322.19, F.S.; revising requirements relating to name and address changes for driver's licenses; amending s. 322.212, F.S.; prohibiting a person from knowingly selling, manufacturing, or delivering, or offering to sell, manufacture, or deliver, any blank, forged, stolen, fictitious, counterfeit, or unlawfully issued driver's license or identification card or any instrument in the similitude of such license or card; authorizing investigations of a violation of certain provisions; providing a penalty; amending s. 921.0022, F.S.; correcting statutory reference; providing an effective date.

—was taken up, having been read the second time and amended earlier today.

Reconsideration

On motion by Rep. Goodlette, the House reconsidered the vote by which **Amendment 1** was adopted earlier today.

The question recurred on the adoption of **Amendment 1**.

On motion by Rep. Ball, under Rule 12.2(c), the following late-filed substitute amendment was considered.

Representative(s) Ball offered the following:

(Amendment Bar Code: 424177)

Substitute Amendment 1 (with directory language and title amendments)—On page 9, line 26, through page 10, line 8,
remove: all of said lines

And the directory language is amended as follows:

On page 8, lines 13-14,
remove: all of said lines

and insert:

Section 6. Subsection (1) of section 322.212, Florida Statutes, is amended to read:

And the title is amended as follows:

On page 1, line 31,
remove: all of said line

and insert: of certain provisions;

Rep. Ball moved the adoption of the substitute amendment, which was adopted.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

On motion by Rep. Goodlette, the rules were waived and the House moved to the order of—

Motions Relating to Committee or Council References

On motion by Rep. Goodlette, CS for CS for SB 362 was taken from the Calendar and referred to the Council for Healthy Communities.

On motion by Rep. Goodlette, the House moved to—

Continuation of Special Orders

Continuation of Special Order Calendar

V. Expedited Local Bills

REPRESENTATIVE WALLACE IN THE CHAIR

Rep. Maygarden suggested the absence of a quorum. A quorum was present [Session Vote Sequence: 898].

HB 339—A bill to be entitled An act relating to Lafayette County; repealing chapter 59-1460, Laws of Florida, relating to the Lafayette County Development Authority; providing an effective date.

—was read the second time by title.

The Committee on Local Government & Veterans Affairs offered the following:

(Amendment Bar Code: 864659)

Amendment 1 (with title amendment)—On page 1, between lines 10 and 11 of the bill

insert:

Section 2. *All assets and liabilities of the Lafayette County Development Authority are hereby transferred to the Board of County Commissioners of Lafayette County.*

And the title is amended as follows:

On page 1, line 4 after the semicolon

insert: transferring assets and liabilities of the Authority to the Board of County Commissioners;

Rep. Stansel moved the adoption of the amendment, which was adopted.

On motion by Rep. Stansel, the rules were waived and HB 339, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 899

Yeas—112

The Chair	Cantens	Hart	Mealor
Alexander	Carassas	Henriquez	Melvin
Allen	Clarke	Heyman	Murman
Andrews	Cusack	Hogan	Needelman
Argenziano	Davis	Holloway	Negron
Arza	Detert	Jennings	Paul
Attkisson	Diaz de la Portilla	Johnson	Peterman
Atwater	Dockery	Jordan	Pickens
Ausley	Evers	Joyner	Prieguez
Baker	Farkas	Kallinger	Rich
Ball	Fasano	Kendrick	Richardson
Barreiro	Feeney	Kilmer	Ritter
Baxley	Fields	Kosmas	Romeo
Bean	Fiorentino	Kottkamp	Ross
Bendross-Mindingall	Frankel	Kravitz	Russell
Bennett	Gannon	Kyle	Ryan
Bense	Garcia	Lacasa	Seiler
Benson	Gardiner	Lee	Simmons
Berfield	Gelber	Lerner	Smith
Betancourt	Gibson	Littlefield	Sorensen
Bilirakis	Goodlette	Lynn	Spratt
Bowen	Gottlieb	Machek	Stansel
Brown	Green	Mack	Trovillion
Brummer	Greenstein	Mahon	Waters
Brutus	Haridopolos	Mayfield	Weissman
Bucher	Harper	Maygarden	Wiles
Bullard	Harrell	McGriff	Wilson
Byrd	Harrington	Meadows	Wishner

Nays—None

Votes after roll call:
Yeas—Flanagan, Siplin, Slosberg

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

HB 397—A bill to be entitled An act relating to Manatee County Mosquito Control District; codifying, reenacting, amending, and repealing special acts related to the district; providing a charter; providing for formation as an independent special district; providing boundaries of the district; providing for the election of commissioners and operation of the district in accordance with ch. 388, F.S.; providing for district powers, functions, and duties; providing for construction and effect; providing an effective date.

—was read the second time by title. On motion by Rep. Bennett, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 899

Yeas—112

The Chair	Cantens	Hart	Mealor
Alexander	Carassas	Henriquez	Melvin
Allen	Clarke	Heyman	Murman
Andrews	Cusack	Hogan	Needelman
Argenziano	Davis	Holloway	Negron
Arza	Detert	Jennings	Paul
Attkisson	Diaz de la Portilla	Johnson	Peterman
Atwater	Dockery	Jordan	Pickens
Ausley	Evers	Joyner	Prieguez
Baker	Farkas	Kallinger	Rich
Ball	Fasano	Kendrick	Richardson
Barreiro	Feeney	Kilmer	Ritter
Baxley	Fields	Kosmas	Romeo
Bean	Fiorentino	Kottkamp	Ross
Bendross-Mindingall	Frankel	Kravitz	Russell
Bennett	Gannon	Kyle	Ryan
Bense	Garcia	Lacasa	Seiler
Benson	Gardiner	Lee	Simmons
Berfield	Gelber	Lerner	Smith
Betancourt	Gibson	Littlefield	Sorensen
Bilirakis	Goodlette	Lynn	Spratt
Bowen	Gottlieb	Machek	Stansel
Brown	Green	Mack	Trovillion
Brummer	Greenstein	Mahon	Waters
Brutus	Haridopolos	Mayfield	Weissman
Bucher	Harper	Maygarden	Wiles
Bullard	Harrell	McGriff	Wilson
Byrd	Harrington	Meadows	Wishner

Nays—None

Votes after roll call:
Yeas—Flanagan, Siplin, Slosberg

So the bill passed and was immediately certified to the Senate.

HB 423—A bill to be entitled An act relating to Dixie, Gilchrist, and Levy Counties; repealing chapter 84-423, Laws of Florida, relating to the Tri-County Hospital Authority; providing an effective date.

—was read the second time by title. On motion by Rep. Kendrick, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 899

Yeas—112

The Chair	Bowen	Frankel	Jordan
Alexander	Brown	Gannon	Joyner
Allen	Brummer	Garcia	Kallinger
Andrews	Brutus	Gardiner	Kendrick
Argenziano	Bucher	Gelber	Kilmer
Arza	Bullard	Gibson	Kosmas
Attkisson	Byrd	Goodlette	Kottkamp
Atwater	Cantens	Gottlieb	Kravitz
Ausley	Carassas	Green	Kyle
Baker	Clarke	Greenstein	Lacasa
Ball	Cusack	Haridopolos	Lee
Barreiro	Davis	Harper	Lerner
Baxley	Detert	Harrell	Littlefield
Bean	Diaz de la Portilla	Harrington	Lynn
Bendross-Mindingall	Dockery	Hart	Machek
Bennett	Evers	Henriquez	Mack
Bense	Farkas	Heyman	Mahon
Benson	Fasano	Hogan	Mayfield
Berfield	Feeney	Holloway	Maygarden
Betancourt	Fields	Jennings	McGriff
Bilirakis	Fiorentino	Johnson	Meadows
Mealor	Pickens	Russell	Stansel
Melvin	Prieguez	Ryan	Trovillion
Murman	Rich	Seiler	Waters
Needelman	Richardson	Simmons	Weissman
Negron	Ritter	Smith	Wiles
Paul	Romeo	Sorensen	Wilson
Peterman	Ross	Spratt	Wishner

Nays—None

Votes after roll call:
Yeas—Flanagan, Siplin, Slosberg

So the bill passed and was immediately certified to the Senate.

HB 501—A bill to be entitled An act relating to Volusia County; providing for codification of special laws regarding special districts pursuant to s. 189.429, F.S., relating to Daytona Beach Racing and Recreational Facilities District, an independent special district in Volusia County; providing legislative intent, and codifying and reenacting provisions of chapter 29588, Laws of Florida, chapter 29590, Laws of Florida, chapter 31343, Laws of Florida, chapter 63-2023, Laws of Florida, chapter 73-647, Laws of Florida, and chapter 80-494, Laws of Florida; providing a district charter; providing for the severability of provisions deemed invalid; providing for the repeal of prior special acts relating to the Daytona Beach Racing and Recreational Facilities District; providing an effective date.

—was read the second time by title. On motion by Rep. Lynn, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 899

Yeas—112

The Chair	Cantens	Hart	Mealor
Alexander	Carassas	Henriquez	Melvin
Allen	Clarke	Heyman	Murman
Andrews	Cusack	Hogan	Needelman
Argenziano	Davis	Holloway	Negron
Arza	Detert	Jennings	Paul
Attkisson	Diaz de la Portilla	Johnson	Peterman
Atwater	Dockery	Jordan	Pickens
Ausley	Evers	Joyner	Prieguez
Baker	Farkas	Kallinger	Rich
Ball	Fasano	Kendrick	Richardson
Barreiro	Feeney	Kilmer	Ritter
Baxley	Fields	Kosmas	Romeo
Bean	Fiorentino	Kottkamp	Ross
Bendross-Mindingall	Frankel	Kravitz	Russell
Bennett	Gannon	Kyle	Ryan
Bense	Garcia	Lacasa	Seiler
Benson	Gardiner	Lee	Simmons
Berfield	Gelber	Lerner	Smith
Betancourt	Gibson	Littlefield	Sorensen
Bilirakis	Goodlette	Lynn	Spratt
Bowen	Gottlieb	Machek	Stansel
Brown	Green	Mack	Trovillion
Brummer	Greenstein	Mahon	Waters
Brutus	Haridopolos	Mayfield	Weissman
Bucher	Harper	Maygarden	Wiles
Bullard	Harrell	McGriff	Wilson
Byrd	Harrington	Meadows	Wishner

Nays—None

Votes after roll call:
Yeas—Flanagan, Siplin, Slosberg

So the bill passed and was immediately certified to the Senate.

HB 527—A bill to be entitled An act relating to the City of Palm Coast; amending chapter 99-448, Laws of Florida; revising the date of

the primary city election; providing for a primary city election only when more than two candidates qualify for an office; providing that if a primary election is held, and a candidate receives a majority vote of the votes cast in the primary, that candidate shall be deemed elected to office and the office will not be subject to a regular city election; providing a legal description of the city limits; amending provisions for revising district boundaries; deleting obsolete provisions; providing an effective date.

—was read the second time by title.

The Committee on Local Government & Veterans Affairs offered the following:

(Amendment Bar Code: 295139)

Amendment 1—On page 64, lines 23 through 28,
remove: All of said lines

and insert: *determines, based upon each decennial census, that redistricting is appropriate to ensure that the requirements of subsection (2) of section 9 and paragraph (c) are accomplished and adequately monitored or until* ~~decennial census of 2010. Thereafter, there shall be~~ a *r*edistricting commission *is appointed* as outlined in paragraph (b). *All Council district boundaries shall be based upon population data derived from the most recent decennial census.*

Rep. Wiles moved the adoption of the amendment, which was adopted.

On motion by Rep. Wiles, the rules were waived and HB 527, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 899

Yeas—112

The Chair	Cantens	Hart	Mealor
Alexander	Carassas	Henriquez	Melvin
Allen	Clarke	Heyman	Murman
Andrews	Cusack	Hogan	Needelman
Argenziano	Davis	Holloway	Negron
Arza	Detert	Jennings	Paul
Attkisson	Diaz de la Portilla	Johnson	Peterman
Atwater	Dockery	Jordan	Pickens
Ausley	Evers	Joyner	Prieguez
Baker	Farkas	Kallinger	Rich
Ball	Fasano	Kendrick	Richardson
Barreiro	Feeney	Kilmer	Ritter
Baxley	Fields	Kosmas	Romeo
Bean	Fiorentino	Kottkamp	Ross
Bendross-Mindingall	Frankel	Kravitz	Russell
Bennett	Gannon	Kyle	Ryan
Bense	Garcia	Lacasa	Seiler
Benson	Gardiner	Lee	Simmons
Berfield	Gelber	Lerner	Smith
Betancourt	Gibson	Littlefield	Sorensen
Bilirakis	Goodlette	Lynn	Spratt
Bowen	Gottlieb	Machek	Stansel
Brown	Green	Mack	Trovillion
Brummer	Greenstein	Mahon	Waters
Brutus	Haridopolos	Mayfield	Weissman
Bucher	Harper	Maygarden	Wiles
Bullard	Harrell	McGriff	Wilson
Byrd	Harrington	Meadows	Wishner

Nays—None

Votes after roll call:
Yeas—Flanagan, Siplin, Slosberg

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

HB 669—A bill to be entitled An act relating to the Devil's Garden Water Control District, Hendry County; amending chapter 2000-481, Laws of Florida; amending boundaries of the district; providing for the equal assessment of benefits for all lands in the district; providing an effective date.

—was read the second time by title.

The Committee on Local Government & Veterans Affairs offered the following:

(Amendment Bar Code: 741029)

Amendment 1—On page 4, line 6,
remove: all of said line

and insert:

AND ALSO

TOWNSHIP 45 SOUTH, RANGE 34 EAST:

The South-half of Section 31, Less Road Right-of-way. The South-half of Section 32, Less the East 300 feet.

Containing Approximately 85,365 acres.

Rep. Spratt moved the adoption of the amendment, which was adopted.

On motion by Rep. Spratt, the rules were waived and HB 669, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 899

Yeas—112

The Chair	Cantens	Hart	Mealor
Alexander	Carassas	Henriquez	Melvin
Allen	Clarke	Heyman	Murman
Andrews	Cusack	Hogan	Needelman
Argenziano	Davis	Holloway	Negron
Arza	Detert	Jennings	Paul
Attkisson	Diaz de la Portilla	Johnson	Peterman
Atwater	Dockery	Jordan	Pickens
Ausley	Evers	Joyner	Prieguez
Baker	Farkas	Kallinger	Rich
Ball	Fasano	Kendrick	Richardson
Barreiro	Feeney	Kilmer	Ritter
Baxley	Fields	Kosmas	Romeo
Bean	Fiorentino	Kottkamp	Ross
Bendross-Mindingall	Frankel	Kravitz	Russell
Bennett	Gannon	Kyle	Ryan
Bense	Garcia	Lacasa	Seiler
Benson	Gardiner	Lee	Simmons
Berfield	Gelber	Lerner	Smith
Betancourt	Gibson	Littlefield	Sorensen
Bilirakis	Goodlette	Lynn	Spratt
Bowen	Gottlieb	Machek	Stansel
Brown	Green	Mack	Trovillion
Brummer	Greenstein	Mahon	Waters
Brutus	Haridopolos	Mayfield	Weissman
Bucher	Harper	Maygarden	Wiles
Bullard	Harrell	McGriff	Wilson
Byrd	Harrington	Meadows	Wishner

Nays—None

Votes after roll call:
Yeas—Flanagan, Siplin, Slosberg

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

HB 711—A bill to be entitled An act relating to the City of Gainesville; amending chapter 90-394, Laws of Florida; revising the charter of the City of Gainesville; providing for additional duties of the internal auditor; providing for creation of the charter officer position entitled "equal opportunity director" to be appointed by the city commission;

providing powers and duties of such officer; making the charter officers responsible for implementing the equal opportunity and human relations ordinances and programs in their respective departments; providing for application to persons covered under collective bargaining agreements; providing an effective date.

—was read the second time by title. On motion by Rep. Jennings, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 899

Yeas—112

The Chair	Cantens	Hart	Mealor
Alexander	Carassas	Henriquez	Melvin
Allen	Clarke	Heyman	Murman
Andrews	Cusack	Hogan	Needelman
Argenziano	Davis	Holloway	Negron
Arza	Detert	Jennings	Paul
Attkisson	Diaz de la Portilla	Johnson	Peterman
Atwater	Dockery	Jordan	Pickens
Ausley	Evers	Joyner	Prieguez
Baker	Farkas	Kallinger	Rich
Ball	Fasano	Kendrick	Richardson
Barreiro	Feeney	Kilmer	Ritter
Baxley	Fields	Kosmas	Romeo
Bean	Fiorentino	Kottkamp	Ross
Bendross-Mindingall	Frankel	Kravitz	Russell
Bennett	Gannon	Kyle	Ryan
Bense	Garcia	Lacasa	Seiler
Benson	Gardiner	Lee	Simmons
Berfield	Gelber	Lerner	Smith
Betancourt	Gibson	Littlefield	Sorensen
Bilirakis	Goodlette	Lynn	Spratt
Bowen	Gottlieb	Machek	Stansel
Brown	Green	Mack	Trovillion
Brummer	Greenstein	Mahon	Waters
Brutus	Haridopolos	Mayfield	Weissman
Bucher	Harper	Maygarden	Wiles
Bullard	Harrell	McGriff	Wilson
Byrd	Harrington	Meadows	Wishner

Nays—None

Votes after roll call:
Yeas—Flanagan, Siplin, Slosberg

So the bill passed and was immediately certified to the Senate.

HB 713—A bill to be entitled An act relating to Pinellas Suncoast Transit Authority; amending chapter 2000-424, Laws of Florida; providing for the authority to sell or transfer any real property to governmental entities and to sell or transfer surplus personal property without competitive bid; providing for severability; providing an effective date.

—was read the second time by title. On motion by Rep. Carassas, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 899

Yeas—112

The Chair	Baker	Berfield	Byrd
Alexander	Ball	Betancourt	Cantens
Allen	Barreiro	Bilirakis	Carassas
Andrews	Baxley	Bowen	Clarke
Argenziano	Bean	Brown	Cusack
Arza	Bendross-Mindingall	Brummer	Davis
Attkisson	Bennett	Brutus	Detert
Atwater	Bense	Bucher	Diaz de la Portilla
Ausley	Benson	Bullard	Dockery
Evers	Harrington	Lerner	Rich
Farkas	Hart	Littlefield	Richardson
Fasano	Henriquez	Lynn	Ritter
Feeney	Heyman	Machek	Romeo
Fields	Hogan	Mack	Ross
Fiorentino	Holloway	Mahon	Russell
Frankel	Jennings	Mayfield	Ryan
Gannon	Johnson	Maygarden	Seiler
Garcia	Jordan	McGriff	Simmons
Gardiner	Joyner	Meadows	Smith
Gelber	Kallinger	Mealor	Sorensen
Gibson	Kendrick	Melvin	Spratt
Goodlette	Kilmer	Murman	Stansel
Gottlieb	Kosmas	Needelman	Trovillion
Green	Kottkamp	Negron	Waters
Greenstein	Kravitz	Paul	Weissman
Haridopolos	Kyle	Peterman	Wiles
Harper	Lacasa	Pickens	Wilson
Harrell	Lee	Prieguez	Wishner

Nays—None

Votes after roll call:
Yeas—Flanagan, Siplin, Slosberg

So the bill passed and was immediately certified to the Senate.

HB 759—A bill to be entitled An act relating to the City of Orlando, Orange County; amending chapter 22414 (1943), Laws of Florida, relating to the pension fund of the Orlando Police Department; eliminating the earned income offset; providing for changes necessary to obtain tax qualification and compliance with state statutory minimums; providing an effective date.

—was read the second time by title. On motion by Rep. Brummer, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 899

Yeas—112

The Chair	Cantens	Hart	Mealor
Alexander	Carassas	Henriquez	Melvin
Allen	Clarke	Heyman	Murman
Andrews	Cusack	Hogan	Needelman
Argenziano	Davis	Holloway	Negron
Arza	Detert	Jennings	Paul
Attkisson	Diaz de la Portilla	Johnson	Peterman
Atwater	Dockery	Jordan	Pickens
Ausley	Evers	Joyner	Prieguez
Baker	Farkas	Kallinger	Rich
Ball	Fasano	Kendrick	Richardson
Barreiro	Feeney	Kilmer	Ritter
Baxley	Fields	Kosmas	Romeo
Bean	Fiorentino	Kottkamp	Ross
Bendross-Mindingall	Frankel	Kravitz	Russell
Bennett	Gannon	Kyle	Ryan
Bense	Garcia	Lacasa	Seiler
Benson	Gardiner	Lee	Simmons
Berfield	Gelber	Lerner	Smith
Betancourt	Gibson	Littlefield	Sorensen
Bilirakis	Goodlette	Lynn	Spratt
Bowen	Gottlieb	Machek	Stansel
Brown	Green	Mack	Trovillion
Brummer	Greenstein	Mahon	Waters
Brutus	Haridopolos	Mayfield	Weissman
Bucher	Harper	Maygarden	Wiles
Bullard	Harrell	McGriff	Wilson
Byrd	Harrington	Meadows	Wishner

Nays—None

Votes after roll call:
Yeas—Flanagan, Siplin, Slosberg

So the bill passed and was immediately certified to the Senate.

HB 785—A bill to be entitled An act relating to St. Johns County; repealing chapters 61-2743, 69-1536, and 73-612, Laws of Florida, relating to the library and staff in the circuit court in St. Augustine; providing an effective date.

—was read the second time by title. On motion by Rep. Wiles, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 899

Yeas—112

The Chair	Cantens	Hart	Mealor
Alexander	Carassas	Henriquez	Melvin
Allen	Clarke	Heyman	Murman
Andrews	Cusack	Hogan	Needelman
Argenziano	Davis	Holloway	Negron
Arza	Detert	Jennings	Paul
Attkisson	Diaz de la Portilla	Johnson	Peterman
Atwater	Dockery	Jordan	Pickens
Ausley	Evers	Joyner	Prieguez
Baker	Farkas	Kallinger	Rich
Ball	Fasano	Kendrick	Richardson
Barreiro	Feeney	Kilmer	Ritter
Baxley	Fields	Kosmas	Romeo
Bean	Fiorentino	Kottkamp	Ross
Bendross-Mindingall	Frankel	Kravitz	Russell
Bennett	Gannon	Kyle	Ryan
Bense	Garcia	Lacasa	Seiler
Benson	Gardiner	Lee	Simmons
Berfield	Gelber	Lerner	Smith
Betancourt	Gibson	Littlefield	Sorensen
Bilirakis	Goodlette	Lynn	Spratt
Bowen	Gottlieb	Machek	Stansel
Brown	Green	Mack	Trovillion
Brummer	Greenstein	Mahon	Waters
Brutus	Haridopolos	Mayfield	Weissman
Bucher	Harper	Maygarden	Wiles
Bullard	Harrell	McGriff	Wilson
Byrd	Harrington	Meadows	Wishner

Nays—None

Votes after roll call:
Yeas—Flanagan, Siplin, Slosberg

So the bill passed and was immediately certified to the Senate.

HB 827—A bill to be entitled An act relating to Putnam County; repealing chapter 61-2723, Laws of Florida, relating to the operation and maintenance of the law library in the Putnam County Court House; providing an effective date.

—was read the second time by title.

The Committee on Local Government & Veterans Affairs offered the following:

(Amendment Bar Code: 683715)

Amendment 1—On page 1, lines 10 through 11,
remove: all of said lines

and insert:

Section 1. Chapters 1953, 29462, Laws of Florida; 1955, 31203, Laws of Florida; and 61-2723, Laws of Florida, are repealed.

Rep. Pickens moved the adoption of the amendment, which was adopted.

The Committee on Local Government & Veterans Affairs offered the following:

(Amendment Bar Code: 293243)

Amendment 2—In the title, on page 1, line 3,
remove: all of said line

and insert: chapters 1953, 29462, Laws of Florida; 1953, 31203, Laws of Florida; and 61-2723, Laws of Florida, relating to

Rep. Pickens moved the adoption of the amendment, which was adopted.

On motion by Rep. Pickens, the rules were waived and HB 827, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 899

Yeas—112

The Chair	Cantens	Hart	Mealor
Alexander	Carassas	Henriquez	Melvin
Allen	Clarke	Heyman	Murman
Andrews	Cusack	Hogan	Needelman
Argenziano	Davis	Holloway	Negron
Arza	Detert	Jennings	Paul
Attkisson	Diaz de la Portilla	Johnson	Peterman
Atwater	Dockery	Jordan	Pickens
Ausley	Evers	Joyner	Prieguez
Baker	Farkas	Kallinger	Rich
Ball	Fasano	Kendrick	Richardson
Barreiro	Feeney	Kilmer	Ritter
Baxley	Fields	Kosmas	Romeo
Bean	Fiorentino	Kottkamp	Ross
Bendross-Mindingall	Frankel	Kravitz	Russell
Bennett	Gannon	Kyle	Ryan
Bense	Garcia	Lacasa	Seiler
Benson	Gardiner	Lee	Simmons
Berfield	Gelber	Lerner	Smith
Betancourt	Gibson	Littlefield	Sorensen
Bilirakis	Goodlette	Lynn	Spratt
Bowen	Gottlieb	Machek	Stansel
Brown	Green	Mack	Trovillion
Brummer	Greenstein	Mahon	Waters
Brutus	Haridopolos	Mayfield	Weissman
Bucher	Harper	Maygarden	Wiles
Bullard	Harrell	McGriff	Wilson
Byrd	Harrington	Meadows	Wishner

Nays—None

Votes after roll call:
Yeas—Flanagan, Siplin, Slosberg

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

HB 921—A bill to be entitled An act relating to the Indian River County Hospital District, Indian River County; amending chapter 61-2275, Laws of Florida; authorizing the board of trustees of the district to hold regular meetings for the transaction of business; providing an effective date.

—was read the second time by title. On motion by Rep. Mayfield, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 899

Yeas—112

The Chair	Argenziano	Ausley	Baxley
Alexander	Arza	Baker	Bean
Allen	Attkisson	Ball	Bendross-Mindingall
Andrews	Atwater	Barreiro	Bennett

Bense	Fields	Joyner	Negron
Benson	Fiorentino	Kallinger	Paul
Berfield	Frankel	Kendrick	Peterman
Betancourt	Gannon	Kilmer	Pickens
Bilirakis	Garcia	Kosmas	Prieguez
Bowen	Gardiner	Kottkamp	Rich
Brown	Gelber	Kravitz	Richardson
Brummer	Gibson	Kyle	Ritter
Brutus	Goodlette	Lacasa	Romeo
Bucher	Gottlieb	Lee	Ross
Bullard	Green	Lerner	Russell
Byrd	Greenstein	Littlefield	Ryan
Cantens	Haridopolos	Lynn	Seiler
Carassas	Harper	Machek	Simmons
Clarke	Harrell	Mack	Smith
Cusack	Harrington	Mahon	Sorensen
Davis	Hart	Mayfield	Spratt
Detert	Henriquez	Maygarden	Stansel
Diaz de la Portilla	Heyman	McGriff	Trovillion
Dockery	Hogan	Meadows	Waters
Evers	Holloway	Mealor	Weissman
Farkas	Jennings	Melvin	Wiles
Fasano	Johnson	Murman	Wilson
Feeney	Jordan	Needelman	Wishner

Nays—None

Votes after roll call:
Yeas—Flanagan, Siplin, Slosberg

So the bill passed and was immediately certified to the Senate.

HB 937—A bill to be entitled An act relating to the Monroe County Mosquito Control District; changing its name to the "Florida Keys Mosquito Control District"; codifying, amending, reenacting, and repealing special acts relating to the Monroe County Mosquito Control District; creating and establishing a mosquito control district in Monroe County; fixing the boundaries of said district; dividing said district into areas and establishing boundaries of said areas for purposes of selecting members of the board of commissioners; providing for the present members of the board of commissioners to continue their present terms of office; providing qualifications for said members; providing for the method and time of elections; prescribing the powers of said board; establishing the duties of said board; establishing the organization of said board; setting the compensation of said board; providing for meetings of the board; providing books to be audited and for the keeping of such books as public records; providing for the adoption of a budget; granting said board the power of eminent domain; granting said board the power to tax; providing for the employment of a director and for the advertisement of certain contracts; providing for the penalty for damage to property; setting out the purpose for said district; providing for the duties of the director of the Monroe County health unit; setting out an alternate plan discretionary with the board of commissioners for relieving the board of commissioners of the duty; providing for the public distribution of mix; repealing all conflicting laws; granting to the district such powers as are provided for mosquito control districts under the laws of this state; providing for liberal construction; providing for severability; providing an effective date.

—was read the second time by title. On motion by Rep. Sorensen, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 899

Yeas—112

The Chair	Attkisson	Baxley	Berfield
Alexander	Atwater	Bean	Betancourt
Allen	Ausley	Bendross-Mindingall	Bilirakis
Andrews	Baker	Bennett	Bowen
Argenziano	Ball	Bense	Brown
Arza	Barreiro	Benson	Brummer
Brutus	Gelber	Kosmas	Peterman
Bucher	Gibson	Kottkamp	Pickens
Bullard	Goodlette	Kravitz	Prieguez
Byrd	Gottlieb	Kyle	Rich
Cantens	Green	Lacasa	Richardson
Carassas	Greenstein	Lee	Ritter
Clarke	Haridopolos	Lerner	Romeo
Cusack	Harper	Littlefield	Ross
Davis	Harrell	Lynn	Russell
Detert	Harrington	Machek	Ryan
Diaz de la Portilla	Hart	Mack	Seiler
Dockery	Henriquez	Mahon	Simmons
Evers	Heyman	Mayfield	Smith
Farkas	Hogan	Maygarden	Sorensen
Fasano	Holloway	McGriff	Spratt
Feeney	Jennings	Meadows	Stansel
Fields	Johnson	Mealor	Trovillion
Fiorentino	Jordan	Melvin	Waters
Frankel	Joyner	Murman	Weissman
Gannon	Kallinger	Needelman	Wiles
Garcia	Kendrick	Negron	Wilson
Gardiner	Kilmer	Paul	Wishner

Nays—None

Votes after roll call:
Yeas—Flanagan, Siplin, Slosberg

So the bill passed and was immediately certified to the Senate.

HB 939—A bill to be entitled An act relating to the St. Augustine-St. Johns County Airport Authority and the St. Augustine-St. Johns County Airport Authority District, a special taxing district in St. Johns County; providing for codification of special laws regarding special districts pursuant to chapter 97-255, Laws of Florida; providing legislative intent; codifying and reenacting chapter 63-1853, Laws of Florida, as amended; providing district status and boundaries; providing powers; providing for applicability of chapters 298 and 189, Florida Statutes, and other general laws; providing an Authority charter; providing for liberal construction; providing a saving clause in the event any provision of the act is deemed invalid; repealing all prior special acts of the Legislature relating to the St. Augustine-St. Johns County Airport Authority; providing an effective date.

—was read the second time by title. On motion by Rep. Wiles, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 899

Yeas—112

The Chair	Bilirakis	Fields	Holloway
Alexander	Bowen	Fiorentino	Jennings
Allen	Brown	Frankel	Johnson
Andrews	Brummer	Gannon	Jordan
Argenziano	Brutus	Garcia	Joyner
Arza	Bucher	Gardiner	Kallinger
Attkisson	Bullard	Gelber	Kendrick
Atwater	Byrd	Gibson	Kilmer
Ausley	Cantens	Goodlette	Kosmas
Baker	Carassas	Gottlieb	Kottkamp
Ball	Clarke	Green	Kravitz
Barreiro	Cusack	Greenstein	Kyle
Baxley	Davis	Haridopolos	Lacasa
Bean	Detert	Harper	Lee
Bendross-Mindingall	Diaz de la Portilla	Harrell	Lerner
Bennett	Dockery	Harrington	Littlefield
Bense	Evers	Hart	Lynn
Benson	Farkas	Henriquez	Machek
Berfield	Fasano	Heyman	Mack
Betancourt	Feeney	Hogan	Mahon

Mayfield	Negron	Romeo	Spratt
Maygarden	Paul	Ross	Stansel
McGriff	Peterman	Russell	Trovillion
Meadows	Pickens	Ryan	Waters
Mealor	Prieguez	Seiler	Weissman
Melvin	Rich	Simmons	Wiles
Murman	Richardson	Smith	Wilson
Needelman	Ritter	Sorensen	Wishner

Nays—None

Votes after roll call:
Yeas—Flanagan, Siplin, Slosberg

So the bill passed and was immediately certified to the Senate.

HB 943—A bill to be entitled An act relating to the North Lake County Hospital District, Lake County; codifying special laws relating to the district; providing legislative intent; amending, codifying, reenacting, and repealing chapters 95-508 and 97-332, Laws of Florida; providing district boundaries; providing definitions; providing for a board of trustees as the governing body of the district; prescribing the powers and duties of the board; providing for compensation and meetings of the board; providing a principal office of the district; authorizing the board to levy an annual ad valorem tax upon taxable property within the district; providing for purpose of the tax; providing for a method for such levy; exempting property of the district for assessment; prohibiting the board from transferring control of the district's hospitals or facilities except upon approval by referendum; providing for severability; providing an effective date.

—was read the second time by title.

The Council for Smarter Government offered the following:

(Amendment Bar Code: 101317)

Amendment 1—On page 11, line 30, through page 12, line 2,
remove:
of the Department of Revenue to assess and levy on all the railroad lines and telegraph lines properly situated or located in the district, including all telephone lines and cable television lines if legally permissible. The amount of

and insert:
of the Department of Revenue to assess all such property in accordance with section 193.085, Florida Statutes. The amount of

Rep. Gibson moved the adoption of the amendment, which was adopted.

On motion by Rep. Gibson, the rules were waived and HB 943, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 899

Yeas—112

The Chair	Benson	Diaz de la Portilla	Greenstein
Alexander	Berfield	Dockery	Haridopolos
Allen	Betancourt	Evers	Harper
Andrews	Bilirakis	Farkas	Harrell
Argenziano	Bowen	Fasano	Harrington
Arza	Brown	Feeney	Hart
Attkisson	Brummer	Fields	Henriquez
Atwater	Brutus	Fiorentino	Heyman
Ausley	Bucher	Frankel	Hogan
Baker	Bullard	Gannon	Holloway
Ball	Byrd	Garcia	Jennings
Barreiro	Cantens	Gardiner	Johnson
Baxley	Carassas	Gelber	Jordan
Bean	Clarke	Gibson	Joyner
Bendross-Mindingall	Cusack	Goodlette	Kallinger
Bennett	Davis	Gottlieb	Kendrick
Bense	Detert	Green	Kilmer
Kosmas	Mahon	Peterman	Simmons
Kottkamp	Mayfield	Pickens	Smith
Kravitz	Maygarden	Prieguez	Sorensen
Kyle	McGriff	Rich	Spratt
Lacasa	Meadows	Richardson	Stansel
Lee	Mealor	Ritter	Trovillion
Lerner	Melvin	Romeo	Waters
Littlefield	Murman	Ross	Weissman
Lynn	Needelman	Russell	Wiles
Machek	Negron	Ryan	Wilson
Mack	Paul	Seiler	Wishner

Nays—None

Votes after roll call:
Yeas—Flanagan, Siplin, Slosberg

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

HB 955—A bill to be entitled An act relating to the City of Lake Helen, Florida; codifying, reenacting, and amending the Charter of the City of Lake Helen; providing a short title; providing for a Florida municipal corporation, the City of Lake Helen, Florida, to continue in existence with the same boundaries as are in effect on the effective date of this act; providing for municipal powers; providing for the composition of a City Commission, including a Mayor and four City Commissioners representing four City Commission zones with all elected at large; providing for qualifications for office; providing for election to office; providing for terms of office; providing for powers and duties of the City Commission; providing for the powers and duties of the Mayor and Vice Mayor; providing for compensation and expenses; providing for vacancies, forfeiture of office, suspension, recall, and the filling of vacancies; providing for public meetings, quorums, and public records; providing for a limitation on employment; providing for the City Administrator and City Attorney as charter officers; providing for qualifications, powers and duties of charter officers; providing for budgets and appropriations; providing for electors and elections; providing for the amendment of the City Charter; providing for standards of conduct; providing for the preservation of ordinances; providing for the rights of officers and employees; providing for pending matters; providing for a saving clause; providing for severability; providing an effective date.

—was read the second time by title.

The Committee on Local Government & Veterans Affairs offered the following:

(Amendment Bar Code: 954117)

Amendment 1—On page 3, lines 1 through 2,
remove: all of said lines

and insert:

Section 1. This act constitutes the codification of all ordinances relating to the City of Lake Helen and special

Rep. Cusack moved the adoption of the amendment, which was adopted.

On motion by Rep. Cusack, the rules were waived and HB 955, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 899

Yeas—112

The Chair	Atwater	Bendross-Mindingall	Bowen
Alexander	Ausley	Bennett	Brown
Allen	Baker	Bense	Brummer
Andrews	Ball	Benson	Brutus
Argenziano	Barreiro	Berfield	Bucher
Arza	Baxley	Betancourt	Bullard
Attkisson	Bean	Bilirakis	Byrd

Cantens	Gottlieb	Kravitz	Pickens
Carassas	Green	Kyle	Prieguez
Clarke	Greenstein	Lacasa	Rich
Cusack	Haridopolos	Lee	Richardson
Davis	Harper	Lerner	Ritter
Detert	Harrell	Littlefield	Romeo
Diaz de la Portilla	Harrington	Lynn	Ross
Dockery	Hart	Machek	Russell
Evers	Henriquez	Mack	Ryan
Farkas	Heyman	Mahon	Seiler
Fasano	Hogan	Mayfield	Simmons
Feeney	Holloway	Maygarden	Smith
Fields	Jennings	McGriff	Sorensen
Fiorentino	Johnson	Meadows	Spratt
Frankel	Jordan	Mealor	Stansel
Gannon	Joyner	Melvin	Trovillion
Garcia	Kallinger	Murman	Waters
Gardiner	Kendrick	Needelman	Weissman
Gelber	Kilmer	Negron	Wiles
Gibson	Kosmas	Paul	Wilson
Goodlette	Kottkamp	Peterman	Wishner

Nays—None

Votes after roll call:
Yeas—Flanagan, Siplin, Slosberg

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

HB 961—A bill to be entitled An act relating to Jupiter Inlet District, Palm Beach County; amending chapter 2000-412, Laws of Florida, to increase the compensation of commissioners; providing an effective date.

—was read the second time by title. On motion by Rep. Negron, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 899

Yeas—112

The Chair	Bullard	Haridopolos	Mack
Alexander	Byrd	Harper	Mahon
Allen	Cantens	Harrell	Mayfield
Andrews	Carassas	Harrington	Maygarden
Argenziano	Clarke	Hart	McGriff
Arza	Cusack	Henriquez	Meadows
Attkisson	Davis	Heyman	Mealor
Atwater	Detert	Hogan	Melvin
Ausley	Diaz de la Portilla	Holloway	Murman
Baker	Dockery	Jennings	Needelman
Ball	Evers	Johnson	Negron
Barreiro	Farkas	Jordan	Paul
Baxley	Fasano	Joyner	Peterman
Bean	Feeney	Kallinger	Pickens
Bendross-Mindingall	Fields	Kendrick	Prieguez
Bennett	Fiorentino	Kilmer	Rich
Bense	Frankel	Kosmas	Richardson
Benson	Gannon	Kottkamp	Ritter
Berfield	Garcia	Kravitz	Romeo
Betancourt	Gardiner	Kyle	Ross
Bilirakis	Gelber	Lacasa	Russell
Bowen	Gibson	Lee	Ryan
Brown	Goodlette	Lerner	Seiler
Brummer	Gottlieb	Littlefield	Simmons
Brutus	Green	Lynn	Smith
Bucher	Greenstein	Machek	Sorensen
Spratt	Trovillion	Weissman	Wilson
Stansel	Waters	Wiles	Wishner

Nays—None

Votes after roll call:
Yeas—Flanagan, Siplin, Slosberg

So the bill passed and was immediately certified to the Senate.

HB 965—A bill to be entitled An act relating to Broward County, Florida; providing for deannexation of certain lands from the Town of Davie; providing for annexation of certain lands into the Town of Southwest Ranches; providing for confirmation of corporate existence of the Town of Southwest Ranches on June 6, 2000; providing an effective date.

—was read the second time by title. On motion by Rep. Ritter, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 899

Yeas—112

The Chair	Cantens	Hart	Mealor
Alexander	Carassas	Henriquez	Melvin
Allen	Clarke	Heyman	Murman
Andrews	Cusack	Hogan	Needelman
Argenziano	Davis	Holloway	Negron
Arza	Detert	Jennings	Paul
Attkisson	Diaz de la Portilla	Johnson	Peterman
Atwater	Dockery	Jordan	Pickens
Ausley	Evers	Joyner	Prieguez
Baker	Farkas	Kallinger	Rich
Ball	Fasano	Kendrick	Richardson
Barreiro	Feeney	Kilmer	Ritter
Baxley	Fields	Kosmas	Romeo
Bean	Fiorentino	Kottkamp	Ross
Bendross-Mindingall	Frankel	Kravitz	Russell
Bennett	Gannon	Kyle	Ryan
Bense	Garcia	Lacasa	Seiler
Benson	Gardiner	Lee	Simmons
Berfield	Gelber	Lerner	Smith
Betancourt	Gibson	Littlefield	Sorensen
Bilirakis	Goodlette	Lynn	Spratt
Bowen	Gottlieb	Machek	Stansel
Brown	Green	Mack	Trovillion
Brummer	Greenstein	Mahon	Waters
Brutus	Haridopolos	Mayfield	Weissman
Bucher	Harper	Maygarden	Wiles
Bullard	Harrell	McGriff	Wilson
Byrd	Harrington	Meadows	Wishner

Nays—None

Votes after roll call:
Yeas—Flanagan, Siplin, Slosberg

So the bill passed and was immediately certified to the Senate.

HB 967—A bill to be entitled An act relating to Broward County; extending the corporate limits of the Town of Lauderdale-By-The-Sea; providing an effective date.

—was read the second time by title.

The Committee on Local Government & Veterans Affairs offered the following:

(Amendment Bar Code: 732961)

Amendment 1—On page 1, line 15, through page 4, line 27, remove: all of said lines

and insert:

Part #1 (south area):

Beginning at the point of intersection of the south boundary line of Section 18, Township 49 South, Range 43 East with the ordinary low watermark of the Atlantic Ocean, the POINT OF BEGINNING for Part #1;

THENCE in a northerly direction along said ordinary low watermark of the Atlantic Ocean to the point of intersection of said ordinary low watermark with the north boundary line of Section 18, Township 49 South, Range 43 East;

THENCE in a westerly direction along said north boundary line of Section 18, Township 49 South, Range 43 East to the point of intersection of said north boundary line with the shore line of the Atlantic Ocean;

THENCE in a northerly direction along said shore line of the Atlantic Ocean to the point of intersection of said shore line with a line located on hundred eighty (180) feet north of and parallel to the south line of the North One-Half (N 1/2) of the Southeast One-Quarter (SE 1/4) of Section 7, Township 49 South, Range 43 East;

THENCE in an easterly direction along said line located one hundred eighty (180) feet north of and parallel to the south line of the North One-Half (N 1/2) of the Southeast One-Quarter (SE 1/4) of Section 7, Township 49 South, Range 43 East and continuing along an easterly extension of said parallel line to the point of intersection of said extended parallel line with the eastern boundary line of the State of Florida;

THENCE in a southerly direction along said eastern boundary line of the State of Florida to the point of intersection of said boundary line with an easterly extension of the south boundary line of Section 18, Township 49 South, Range 43 East;

THENCE in a westerly direction along said easterly extension of the south boundary line of Section 18, Township 49 South, Range 43 East and continuing along said south boundary line to the point of intersection of said south boundary line with the ordinary low watermark of the Atlantic Ocean, the POINT OF BEGINNING for Part #1;

TOGETHER WITH

Part #2 (north area):

Beginning at the point of intersection of a line located three hundred and eighty (380) feet north of and parallel to the south line of the North One-Half (N 1/2) of the Southeast One-Quarter (SE 1/4) of Section 7, Township 49 South, Range 43 East with the shore line of the Atlantic Ocean, the POINT OF BEGINNING for Part #2;

THENCE in a northerly direction along said shore line of the Atlantic Ocean to the point of intersection of said shore line with an easterly extension of a line located eight hundred and fifty (850) feet south of and parallel to the north line of the Southeast One-Quarter (SE 1/4) of Section 6, Township 49 South, Range 43 East;

THENCE in an easterly direction along said easterly extension of a line located eight hundred and fifty (850) feet south of and parallel to the north line of the Southeast One-Quarter (SE 1/4) of Section 6, Township 49 South, Range 43 East to the point of intersection of said extended parallel line with the eastern boundary line of the State of Florida;

THENCE in a southerly direction along said eastern boundary line of the State of Florida to the point of intersection of said boundary line with an easterly extension of a line located three hundred and eighty (380) feet north of and parallel to the south line of the North One-Half (N 1/2) of the Southeast One-Quarter (SE 1/4) of Section 7, Township 49 South, Range 43 East;

THENCE in a westerly direction along said easterly extension of a line located three hundred and eighty (380) feet north of and parallel to the south line of the North One-Half (N 1/2) of the Southeast One-Quarter (SE 1/4) of Section 7, Township 49 South, Range 43 East and continuing along said parallel line to the point of intersection of said parallel line with the shore line of the Atlantic Ocean, the POINT OF BEGINNING for Part #2.

Rep. Ritter moved the adoption of the amendment, which was adopted.

On motion by Rep. Ritter, the rules were waived and HB 967, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 899

Yeas—112

The Chair	Cantens	Hart	Mealor
Alexander	Carassas	Henriquez	Melvin
Allen	Clarke	Heyman	Murman
Andrews	Cusack	Hogan	Needelman
Argenziano	Davis	Holloway	Negron
Arza	Detert	Jennings	Paul
Attkisson	Diaz de la Portilla	Johnson	Peterman
Atwater	Dockery	Jordan	Pickens
Ausley	Evers	Joyner	Prieguez
Baker	Farkas	Kallinger	Rich
Ball	Fasano	Kendrick	Richardson
Barreiro	Feeney	Kilmer	Ritter
Baxley	Fields	Kosmas	Romeo
Bean	Fiorentino	Kottkamp	Ross
Bendross-Mindingall	Frankel	Kravitz	Russell
Bennett	Gannon	Kyle	Ryan
Bense	Garcia	Lacasa	Seiler
Benson	Gardiner	Lee	Simmons
Berfield	Gelber	Lerner	Smith
Betancourt	Gibson	Littlefield	Sorensen
Bilirakis	Goodlette	Lynn	Spratt
Bowen	Gottlieb	Machek	Stansel
Brown	Green	Mack	Trovillion
Brummer	Greenstein	Mahon	Waters
Brutus	Haridopolos	Mayfield	Weissman
Bucher	Harper	Maygarden	Wiles
Bullard	Harrell	McGriff	Wilson
Byrd	Harrington	Meadows	Wishner

Nays—None

Votes after roll call:
Yeas—Flanagan, Siplin, Slosberg

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

HB 971—A bill to be entitled An act relating to the Loxahatchee River Environmental Control District, in portions of Palm Beach and Martin Counties, including the Town of Jupiter, Jupiter Inlet Colony, Juno Beach, and the Village of Tequesta, generally defined as the Loxahatchee River Basin; providing for codification; providing legislative intent; providing the district is an independent multicounty special district; providing district status and boundaries; providing for applicability of chapter 189, Florida Statutes, and other general laws; providing for the election of a five-member Board; providing powers and duties with regard to sewage disposal, solid waste management, discharge of storm drainage and water supply drainage, and water supply within the district; providing for the financing of the district, including the levying of ad valorem taxes if approved at a referendum; providing for liberal construction; codifying, amending, reenacting, and repealing special acts relating to the district; providing severability; providing an effective date.

—was read the second time by title.

The Committee on Local Government & Veterans Affairs offered the following:

(Amendment Bar Code: 761041)

Amendment 1—
Remove everything after the enacting clause

and insert:

Section 1. *Pursuant to section 189.429, Florida Statutes, this act constitutes the codification of all special acts relating to the Loxahatchee River Environmental Control District. It is the intent of the Legislature in enacting this law to provide a single, comprehensive special act charter for the district, including all current legislative enactments and any additional authority granted by this act.*

Section 2. *Chapters 71-822, 75-475, 76-429, 76-431, 78-559, 78-561, 80-577, 86-429, 86-430, 88-506, 90-438, and 92-255, Laws of Florida, are codified, reenacted, amended, and repealed as herein provided.*

Section 3. The Loxahatchee River Environmental Control District is re-created, and the charter for the district is re-created and reenacted to read:

Section 1. The Loxahatchee River Environmental Control District was created by chapter 71-822, Laws of Florida, as amended, and such creation is hereby ratified, confirmed, and approved. The status of the district is a multicounty independent special district of the state with a popularly elected Governing Board. This act may be known and cited as the "Loxahatchee River Environmental Control District Act."

Section 2. It is hereby declared to be the intent of the Legislature that the best interests of public health, safety, and welfare of the area within the boundaries of the Loxahatchee River Environmental Control District necessitates the formation of a separate local agency of government with powers designed to meet the particular needs of said area. It is further the intent of the Legislature that such needs be met in such a way as to cause minimum damage to the area's resources and environment and prevent additional environmental problems from being created, as well as providing solutions to existing problems. Maximum use of existing systems shall be made whenever feasible and consistent with the purpose of this act. It is also the intent of the Legislature that current and long-range planning shall be carried out so that required services are made available at the lowest possible cost as the characteristics of the area change.

Section 3. The Loxahatchee River Environmental Control District, herein referred to as the "district," shall embrace and include the following described lands in Palm Beach and Martin Counties, which include the Town of Jupiter, Jupiter Inlet Colony, Juno Beach, and the Village of Tequesta:

Beginning at the intersection of the waters of the Atlantic Ocean with the South line of the Blowing Rocks Preserve; thence proceed Westerly along the Westerly extension of said South line to the Easterly right-of-way line of the Intracoastal Waterway; thence Northerly, along said Easterly right-of-way line to an intersection with the Easterly extension of the Northerly Boundary line of the Jonathan Dickinson State Park; thence Westerly along said Easterly extension and along said Northerly boundary line to the Northeast corner of Section 33, Township 39 South, Range 42 East, Martin County, Florida; run West along the North section line to the Northwest corner of the Northeast Quarter; run south along the quarter line 1650 feet more or less to a point; run East 1320 feet; run South 990 feet to the South line of the Northeast Quarter; run West 1320 feet to the Southwest corner of the Northeast Quarter; run South to South section line; run West 660 feet along South section line; run North 2640 feet to North line of Southwest Quarter; run West along quarter line of 1980 feet more or less to the Northwest corner of the Southwest Quarter and West line of Section 33; run South along said line 2640 feet more or less to the Southwest section corner; thence Westerly along said Northerly Boundary of Jonathan Dickinson State Park and the South line of Section 32 of said Township to the Southwest corner of said Section 32; thence Southerly, along said Boundary and along the West line of Section 5 and Section 8 of Township 40 South, Range 42 East, to the Southwest corner of said Section 8; thence Westerly, along the North line of Section 18, Township 40 South, Range 42 East to the Northwest corner of said Section 18; thence Southerly along the line between Range 41 East and Range 42 East, to the Southwest corner of Section 19, Township 41 South, Range 42 East, Palm Beach County, Florida; thence Easterly along the South line of Sections 19, 20, 21, 22, 23, and 24 of Township 41 South, Range 42 East to the Southeast corner of said Section 24; thence continue Easterly along the South line of Section 19, Township 41 South, Range 43 East to the Southwest corner of Section 20, Township 41 South, Range 43 East; thence Northerly, along the West line of said Section 20 and the West line of Section 17, to the Northwest corner of the Southwest one quarter of said Section 17; thence Easterly, along the North line of the Southwest one quarter of said Section 17 to an intersection with the Westerly right-of-way line of the Intracoastal Waterway; thence Southerly along said right-of-way line to the South line of said Section 20; thence Easterly along the South line of said Section 20 and along the South line of fractional Section 21 of said Township to the waters of the Atlantic Ocean; thence Northerly along said waters to the Point of Beginning.

The territorial limits of the Loxahatchee River Environmental Control District shall also include the following described lands:

Beginning at the intersection of the waters of the Atlantic Ocean with the South line of fractional Section 28, Township 41 South, Range 43 East; thence proceed Westerly along the Westerly extension of said South line to the Easterly right-of-way line of State Road A-1-A (aka Ocean Drive); thence proceed Southerly along the Southerly extension of said Easterly right-of-way line of State Road A-1-A to an intersection with the Easterly right-of-way line of U.S. Highway One; thence proceed Westerly to the Westerly right-of-way line of U.S. Highway One; thence proceed Northerly along said Westerly right-of-way line of U.S. Highway One to an intersection with the South line of said Section 28; thence proceed Westerly along the Westerly extension of the South lines of said Section 28 and Section 29, Township 41 South, Range 43 East, to an intersection with the Westerly right-of-way line of the Intracoastal Waterway; thence Northerly along the Westerly right-of-way line of the Intracoastal Waterway to an intersection with the North line of said Section 29; thence Easterly along the Easterly extension of the North line of said Sections 29 and 28 to the waters of the Atlantic Ocean; thence Southerly along said waters to the Point of Beginning.

(1) The territorial limits of the Loxahatchee River Environmental Control District shall also include the following described lands, upon the District acquiring Hydratech Utilities from Hydratech Utilities, Inc., a Florida corporation, its successors and/or assigns.

Beginning at a point located in Section 2, Township 39 South, Range 41 East, Martin County, Florida, which is the intersection of the westerly extension of the north line of the Gomez Grant and the east line of said Section 2; thence South 66°32′23″ West, a distance of 486.43 feet; thence South 23°27′37″ East, a distance of 1091.01 feet to a point on the east line of Section 2; thence South 00°34′11″ West, a distance of 513.16 feet along the east line of said Section 2 to the southeast corner of Section 2; thence South 89°26′35″ East along the north line of said Section 12, a distance of 228.77 feet; thence South 23°27′37″ East, a distance of 1085.56 feet to a point on a non-tangent curve concave northwesterly, having a radius of 2011.16 feet; thence Northeasterly along the arc of said curve, a distance of 469.50 feet through a central angle of 13°22′32″, the chord of which bears North 60°16′03″ East; thence North 53°34′23″ East, a distance of 172.36 feet to the beginning of a curve concave southerly having a radius of 1906.53 feet; thence Northeasterly along the arc of said curve a distance of 1347.64 feet through a central angle of 40°30′00″; thence South 85°55′36″ East a distance of 1505.48 feet to a point on the west line of the east one-half of the east one-half of Section 12; thence South along said line to a point on the south line of Section 12; thence East along the south line of Section 12 to the southeast corner of Section 12, Range 41 East, Township 39 South; thence East along the south line of Section 7, Range 42 East, Township 39 South to a point on the west line of the Gomez Grant; thence Southeasterly along the west line of the Gomez Grant to a point on the south line

of Section 29; thence Southwesterly along the centerline of the right-of-way of Powerline Road to a point which intersects the south line of the northeast one-quarter of Section 32, Township 39 South, Range 42 East; thence East along the south line of said northeast quarter of Section 32 to a point on the east line of Section 32; thence east along the north line of the southwest quarter of Section 33, a distance of 1980 feet; thence south a distance of 2640 feet to the south line of Section 33; thence east along the south line of Section 33 a distance of 660 feet; thence north along the east line of the east line of the southwest quarter of Section 33, a distance of 2640 feet; thence west 1320 feet to a point; thence north 990 feet to a point; thence west 1320 feet to a point; thence north along the east line of the northwest quarter of Section 33, a distance of 1650 feet to the northwest corner of the northeast quarter of Section 33; thence east along the south line of Section 28 to the centerline of S.E. Flora Avenue as now laid out and in use; thence North 22°33'46" East along said centerline a distance of 395.89 feet to an angle point in said centerline; thence North 11°21'55" East continuing along said centerline, a distance of 1051.75 feet to the south line of the Gomez Grant; thence North 66°24'43" East along said south line a distance of 2124.11 feet to the east line of said Section 28; thence continuing North 66°25'43" East along the south line of the Gomez Grant to a point on the south line of the Gomez Grant which is 2500 feet west of Federal Highway (U.S. #1); thence northerly along a curvilinear line which is 2500 feet west of and parallel to Federal Highway (U.S. #1) to a point of intersection with the centerline of SR 708 (Bridge Road); thence northeasterly along the centerline of SR 708 (Bridge Road), as now laid out and in use, to the east line of the Intracoastal Waterway; thence northwesterly along the east line of the Intracoastal Waterway to a point lying in Section 33, Township 38 south, Range 42 East, which point intersects the easterly extension of the north line of the Gomez Grant; thence westerly along the north line of the Gomez Grant and its westerly extension to the point and place of beginning in Section 2, Township 39 South, Range 41 East.

Section 4. The governing body of the district herein created shall consist of a Board of five members, who shall be qualified electors residing within said district. They shall be known and designated as the "Governing Board of the Loxahatchee River Environmental Control District."

(1) Board areas.—The Board shall divide the area of the district into five separate areas. Each area shall have approximately equal population according to the latest official decennial census. One Board member shall be elected from each numbered area by the electors in the total district. Each Board member shall be a resident of the area in which he or she is elected.

(2) Election code.—In accordance with section 189.405(3)(a), Florida Statutes, elections for the purpose of electing members to the Board shall conform to the Florida Election Code, chapters 97-106, Florida Statutes.

(3) Term of office.—All Governing Board members elected by qualified electors shall have terms of 4 years. Board members from areas one and two are elected beginning with the 2000 General Election, and Board members from areas three, four, and five are elected beginning with the 2002 General Election, in accordance with section 100.031, Florida Statutes.

(4) Vacancy.—In the event of a vacancy occurring in the office of a Board member, the procedure to fill the vacancy shall conform to the Florida Election Code, chapters 97-106, Florida Statutes.

(5) Officers.—The Governing Board shall choose a secretary and a treasurer, and both offices may be held by the same person. The office of the treasurer and the office of secretary of the district may, however, be filled by a Board member or some other person appointed by the Governing Board. At least once each year the Board shall cause the books and accounts of the district to be thoroughly audited by a competent and reliable accountant or auditor. No person in the service of or employed by the district within 1 year prior to such audit shall be employed for said purpose.

(6) Board records.—The Board members shall cause true and accurate minutes and records to be kept of all business transacted by them and shall keep full, true, and complete books of account. Minutes, records, and books of accounts shall at all reasonable times be open and subject to the inspection of the public, and any person desiring so to do may make or procure copies of such minutes, records, and books, or of such portions thereof as he or she may desire.

(7) Public meetings.—The Board shall meet at least quarterly, in public meetings, at the call of the member elected chair by the membership, or by written call of a quorum of three members.

(8) Quorum.—A quorum of not less than three Board members shall be required to hold a meeting and conduct business.

(9) Board action.—An affirmative vote by at least three Board members shall be required for action of the Board to become official.

(10) Compensation.—Members shall serve with compensation in the amount of $100 per month per member, and shall be entitled to per diem and travel expenses as provided by section 112.061, Florida Statutes.

(11) Indemnification.—Every Board member and every officer of the district shall be indemnified by the district against all expenses and liabilities, including counsel fees, reasonably incurred by or imposed upon him or her in connection with any proceeding or any settlement of any proceeding to which he or she may be a party or in which he or she may become involved by reason of his or her being or having been a Board member or officer of the district, whether or not he or she is a Board member or officer at the time such expenses are incurred, except when the Board member or officer is adjudged guilty of willful misfeasance or malfeasance in the performance of his or her duties, provided that in the event of a settlement the indemnification shall apply only when the Board approves such settlement and reimbursement as being for the best interests of the district. The foregoing right of indemnification shall be in addition to and not exclusive of all other rights to which such Board members or officers may be entitled.

(12) Removal.—Any member of the Board may be removed from office by the electors of the district by the following procedure:

(a) A petition shall be prepared which contains a statement of the charges against the member and the signatures of at least 10 percent of the qualified electors within the district voting in the most recent district election or 5 percent of the registered district voters, whichever is greater.

(b) The petition shall be filed with the Board which shall submit the petition to the supervisors of elections of the counties within the district for verification of signatures. Upon receipt of certification by the supervisors of elections that the petition contains at least 10 percent of qualified electors within the district voting in the most recent district election, or 5 percent of the registered district voters, whichever is greater, the Board shall fix a day for holding a recall election to be held not less than 30 days nor more than 60 days from the receipt of such certification.

(c) If a majority of the votes cast in a recall election is in favor of removal of a member of the Board, the member shall be deemed removed from office upon the announcement of the official canvass of the election and the vacancy shall be filled in the manner provided in subsection (4).

Section 5. As used in this act, and unless the context otherwise indicates:

(1) "Board" means the Governing Board of the district herein created.

(2) "Storm drainage system" means any real estate, facility, or property, including pipe, ditches, pumps, or canals, siphons, or structures and appurtenances and additions, extensions, and improvements within the geographical boundaries of the territory of the district made thereto for the purpose of discharge of surface runoff or storm drainage into the Loxahatchee River or tributaries leading directly thereto.

(3) "Revenue bonds" means bonds or other obligations secured by and payable from the revenues derived from rates, fees, and charges collected by the district from the users of the facilities of any water system, sewer system, or solid waste system, or combinations of said systems, and which may be additionally secured by a pledge of the proceeds of special

assessments levied against benefited property or by a pledge of the full faith and credit of the district, or both.

(4) "General obligation bonds" means bonds or other obligations secured by the full faith and credit and taxing power of the district and payable from ad valorem taxes levied and collected on all taxable property in the district, without limitation of rate or amount, and may be additionally secured by the pledge of either or both the proceeds of special assessments levied against benefited property, or revenues derived from said water system, sewer system, or solid waste system, or combinations of said systems.

(5) "Assessment bonds" means bonds or other obligations secured by and payable from special assessments levied against benefited lands, and which may be additionally secured by a pledge of the full faith and credit of the district.

(6) "System" means a water system, sewer system, or water and sewer system; a system for the collection, treatment, and disposal of solid waste; a storm and surface drainage system; or a combination thereof.

(7) "Water system" means real estate, attachments, fixtures, impounded water, water mains, laterals, valves, meters, plants, wells, pipes, tanks, reservoirs, systems, facilities, or other property real or personal, used or useful or having the present capacity for future use in connection with the obtaining, treating, supplying, distributing, and selling of water to the public for human consumption by business or industry, and without limiting the generality of the foregoing definition shall embrace all necessary appurtenances and equipment and shall include all property, rights, easements, and franchises relating to any such system and deemed necessary or convenient for the operation thereof, but shall not include property used solely for or principally in connection with the business of bottling, selling, distributing, or furnishing bottled water, nor water systems utilized by manufacturing plants primarily for the purpose of providing water in connection with its manufacturing operations.

(8) "Sewer system" means any plant, facility, or property, and additions, extensions, and improvements thereto at any future time constructed or acquired as part thereof, useful or necessary, or having the present capacity for future use in connection with the collection, treatment, purification, or disposal of sewage of any nature or originating from any source, including industrial wastes resulting from any processes of industry, manufacture, trade, or business, or from the development of any natural resources; and without limiting the generality of the foregoing definition, shall include treatment plants, pumping stations, lift stations, valves, force mains, intercepting sewers, laterals, pressure lines, mains, and all necessary appurtenances and equipment; all sewer mains and laterals for the reception and collection of sewage from premises connected therewith; and shall include all real and personal property and any interest therein, rights, easements, and franchises of nature whatsoever relating to any such sewer system and necessary or convenient for the operation thereof.

(9) "Cost" as applied to the acquisition and construction of a system or extensions, additions, or improvements thereto means the cost of construction or reconstruction, acquisition or purchase; the cost of labor, materials, machinery, and equipment; the cost of all lands and interests therein, property rights, easements, and franchises of any nature whatsoever, financing charges, interest prior to and during construction and for not more than 2 years after completion of the construction or acquisition of such system or extensions, additions, or improvements thereto; the creation of initial reserve or debt service funds, bond discount; the cost of plans and specifications, surveys, and estimates of costs and revenues; the cost of engineering, financial, and legal services; and all other expenses necessary or incidental in determining the feasibility or practicability of such construction, reconstruction, or acquisition, including administrative expenses and such other expenses as may be necessary or incidental to the financing authorized by this act, and including reimbursement of a public entity for any moneys advanced in connection with any of the foregoing items of cost.

(10) "Assessable improvements" means that portion or portions of the cost of a system of a local nature and of benefit to the premises or lands served thereby, and particularly with reference to a sewer and water system, including, but not limited to, laterals and mains for the production, treatment, and distribution of water; the collection and reception of sewage from premises connected therewith, local or auxiliary pumping or lift stations, treatment plants, or disposal plants, and other appurtenant facilities and equipment for the collection, treatment, and disposal of sewage; the production, treatment, and distribution of water; together with operating and incidental equipment and appurtenances necessary therefor.

(11) "Assessment" means fees, penalties, and other charges made by the district to meet its operating cost and debt service requirements for the purpose of this act.

(12) "Department" means all applicable state agencies and departments.

Section 6. In order to effectuate the purposes of this act, the district acting through the Board shall have the power:

(1) To employ and set the compensation of a director who shall serve at its pleasure. Within available funds, the director may employ and set the compensation of professional, technical, legal, and clerical staff as may be necessary, and may remove these personnel. The director, with the consent of the Board, may acquire the services of consultants and enter into contracts on behalf of the Board.

(2) To develop a master plan, to construct, install, erect, and acquire by purchase or condemnation in accordance with the provisions of chapters 73 and 74, Florida Statutes, and to improve, enlarge, reconstruct, maintain, repair, operate, and regulate a system.

(3) To construct, acquire, and operate water systems and sewer systems separately or as a system.

(4) To enter on any land, waters, or premises located within the district, in order to carry out the purposes of this act.

(5) To provide for all surveys and for preparation of plans, specifications, and estimates in connection with the construction of a system, or for studies to determine the feasibility of acquiring existing municipal or private systems.

(6) To enter into contracts with the government of the United States, or any other department or subdivision of the state, or with any municipality, private corporation, partnership, association, or person providing for or relating to the furnishing of water, the disposal of wastes and sewage, and for other purposes necessary and proper to effectuate this act.

(7) To accept from any governmental agency grants, donations, or loans to provide aid for the planning, construction, reconstruction, or financing of any system; and to accept grants or donations from any other source of money, property, labor, or other things of value, to be held, used, and applied only for the purposes for which such grants or donations may be made.

(8) To enter into contracts with property owners or developers or building contractors who plan to erect buildings or other improvements within platted subdivisions or other property, under which such persons shall install, at their expense, laterals, lines, and equipment, intercepting trunk, main, and lateral sewers, the location, material, size, and type of which shall be installed strictly in accordance with such specifications as required by the Board who shall connect with a sanitary system constructed or owned by the authority; which such mains, laterals, lines, and equipment, intercepting trunk, main, and lateral sewers shall become the property of the district upon such terms and conditions as provided by the contract.

(9) To set and collect reasonable fees and other charges for the services and facilities furnished by any system owned or operated by the district, for making connections and use of same, and to enforce penalties for delinquency in the payment as hereinafter provided.

(a)1. The Governing Board of the district shall, in the resolution providing for the issuance of either water revenue bonds or sewer revenue

bonds, or both, fix the initial schedule of rates, fees, and other charges for the use of and for the services furnished or to be furnished by the facilities, to be paid by the owner, tenant, or occupant of each lot or parcel of land which may be connected with and use any such facility by or through any part of the water system of the district.

2. After the system or systems shall have been in operation, the Governing Board of the district may revise such schedule of rates, fees, and charges, which shall be so fixed and revised as to provide funds, with other funds available for such purposes, sufficient at all times to pay the cost of maintaining, repairing, and operating the system or systems, including the reserves for such purposes and for replacements and depreciation and necessary extensions, to pay the principal of and the interest on the water revenue bonds and/or sewer revenue bonds as the same shall become due and the reserve therefor, and to provide a margin of safety for making such payments. The Governing Board of the district shall charge and collect the rates, fees, and charges so fixed or revised and such rates, fees, and charges shall not be subject to supervision or regulation by any commission, board, bureau, or agency of the county or of the state or any sanitary district.

3. Such rates, fees, and charges shall be just and equitable and may be based or computed upon the quantity of water consumed and/or upon the number and size of sewer connections or upon the number and kind of plumbing fixtures in use in the premises connected with the sewer system or upon the number or average number of persons residing or working in or otherwise connected with such premises or upon any other factor affecting the use of the facilities furnished or upon any combination of the foregoing factors.

4. In cases where the amount of water furnished to any building or premises is such that it imposes an unreasonable burden upon the water supply system, an additional charge may be made therefor or the Governing Board of the district may, if it deems advisable, compel the owners or occupants of such building or premises to reduce the amount of water consumed thereon in a manner to be specified by the Governing Board of the district or the Governing Board of the district may refuse to furnish water to such building or premises.

5. In cases where the character of the sewage from any manufacturing or industrial plant or any building or premises is such that it imposes an unreasonable burden upon any sewage disposal system, an additional charge may be made therefor, or the Governing Board of the district may, if it deems it advisable, compel such manufacturing or industrial plant or such building or premises to treat such sewage in such manner as shall be specified by the Governing Board of the district before discharging such sewage into any sewer lines owned or maintained by the district.

(b) The Governing Board of the district may charge any owner or occupant of any building or premises receiving the services of the facilities herein provided such initial installation or connection charge or fee as the district may determine to be just and reasonable.

(c)1. No rates, fees, or charges shall be fixed under the foregoing provisions of this section until after a public hearing at which all of the users of the facilities provided by this chapter and owners, tenants, and occupants of property served or to be served thereby and all others interested shall have an opportunity to be heard concerning the proposed rates, fees, and charges. After the adoption by the Governing Board of the district of a resolution setting forth the preliminary schedule or schedules fixing and classifying such rates, fees, and charges, notice of such public hearing setting forth the schedule or schedules of rates, fees, and charges shall be given by one publication in a newspaper published in Palm Beach County and by one publication in a newspaper published in Martin County at least 10 days before the date fixed in said notice for the hearing, which said hearing may be adjourned from time to time. After such hearing such preliminary schedule or schedules, either as originally adopted or as modified or amended, shall be adopted and put into effect and thereupon the resolution providing for the issuance of water revenue bonds and/or sewer revenue bonds may be finally adopted.

2. A copy of the schedule or schedules of such rates, fees, and charges finally fixed in such resolution shall be kept on file in the office of the district and shall be open to inspection by all parties interested. The rates, fees, or charges so fixed for any class of users or property served shall be extended to cover any additional property thereafter served which falls within the same class without the necessity of a hearing or notice.

3. Any change or revision of any rates, fees, or charges may be made in the same manner as such rates, fees, or charges were originally established as hereinabove provided, but if such change or revision be made substantially pro rata as to all classes of service, no notice or hearing shall be required.

(d) Upon the construction of a sewage disposal system and the financing of such construction by the issuance of sewer revenue bonds under the provisions of this chapter, the owner, tenant, or occupant of each lot or parcel of land within the county which abuts upon a street or other public way containing a sanitary sewer served or which may be served by such disposal system and upon which lot or parcel a building shall have been constructed for residential, commercial, recreational, and all other uses and which lot or parcel shall not already be served by, or have available to it for service, a sanitary sewer, shall, if so required by the rules and regulations thereof, connect such building with such sanitary sewer and shall cease to use any other method for the disposal of sewage, sewage water, or other polluting matter. All such connections shall be made in accordance with rules and regulations which shall be adopted from time to time by the Governing Board of the district.

(e) The Governing Board of the district may provide in the resolution authorizing the issuance of water revenue bonds or sewer revenue bonds under the provisions of this chapter that the charges for the services furnished by any facility constructed or reconstructed by the district under the provisions of this act shall be included in single bills to be rendered for all the services furnished to the premises, and that if the amount of such charges so included shall not be paid within 30 days from the rendition of any bill, the Governing Board of the district shall discontinue furnishing water to such premises and shall disconnect the same from the water supply system of the district. Any such resolution may include any or all of the following provisions, and may permit the Governing Board of the district to adopt such resolution or take such other lawful action as shall be necessary to effectuate such provisions, and the Governing Board of the district is hereby authorized to adopt such resolutions and to take such other action:

1. The district may require the owner, tenant, or occupant of each lot or parcel of land within the district who is obligated to pay the rates, fees, or charges for the services furnished by any facility purchased, constructed, or reconstructed by the district under the provisions of this chapter to make a reasonable deposit with the Governing Board of the district in advance to ensure the payment of such rates, fees, or charges and to be subject to application to and payment thereof if and when delinquent.

2. If any rates, fees, or charges for the use and services of any sewage disposal system or sewer improvements by or in connection with any premises not served by the waterworks system of the district shall not be paid within 30 days after the same shall become due and payable, the owner, tenant, or occupant of such premises shall cease to dispose of sewage or industrial waste originating from or on said premises by discharge thereof directly or indirectly into the sewer system of the district until such rates, fees, or charges with interest shall be paid; that if such owner, tenant, or occupant shall not cease such disposal at the expiration of such 30-day period it shall be the duty of any district, private corporation, board, body, or person supplying water to or selling water for use on such premises within 5 days after the receipt of notice of such delinquency from the district; and that if such district, private corporation, board, body, or person shall not, at the expiration of such 5-day period, cease supplying water to or selling water for use on such premises, then the district may, unless it has theretofore contracted to the contrary, shut off the supply of water to such premises.

(f) All revenues derived from any water supply system, water system improvement, sewage disposal system, or sewer improvements for either of which a single issue of water revenue bonds or sewer revenue bonds shall be issued, except such part thereof as may be required to pay the cost

of maintaining, repairing, and operating such system or systems and to provide reserves therefor as may be provided in the resolution authorizing the issuance of such water revenue bonds or sewer revenue bonds, shall be set aside at such regular intervals as may be provided in such resolution and deposited for the credit of the following separate funds for the following purposes:

1. Sinking fund for the payment of interest on and the principal of such water revenue bonds and/or sewer revenue bonds as the same shall become due, necessary charges of paying agents for the paying of such interest and principal, and any premium upon bonds retired by call or purchase before their maturity or respective maturities, including the accumulation of reserves for such purposes.

2. A fund for anticipated renewals and replacements and extraordinary repairs.

3. The use and disposition of moneys to the credit of such sinking fund shall be subject to such regulations as may be provided in the resolution authorizing the issuance of the water revenue bonds and/or sewer revenue bonds and, except as may otherwise be provided in such resolution, such sinking fund shall be a fund for the benefit of all bonds without distinction or priority of one over the other.

(g) The Governing Board of the district shall, at the close of each fiscal year, make or cause to be made a comprehensive report of its operations of the water supply system or systems and sewage disposal system or systems under its control during the preceding fiscal year, including all matters relating to rates, revenues, expenses for maintenance, repair, and operation and replacements and extensions, principal and interest retirements, and the status of all funds, and there shall be set forth in such report the budget recommended by the commission for the current fiscal year. A copy of such annual report shall be filed with the district office and shall be open to the inspection of all interested persons. Any surplus of the gross revenues remaining at the end of any fiscal year after making the required deposits for the credit of the separate funds set forth above, and not appropriated in the budget for the then current fiscal year, shall be paid into the sinking fund.

(h) All moneys received pursuant to the authority of this act shall be deemed to be trust funds, to be held and applied solely as provided in this act. The resolution authorizing the issuance of bonds shall provide that any officer to whom, or any bank, trust company, or other fiscal agent to which such moneys shall be paid shall act as trustee of such moneys and shall hold and apply the same for the purposes hereof, subject to such regulations as this act and such resolution may provide.

(i) Any holder of bonds issued under the provisions of this act or any of the coupons appertaining thereto, except to the extent the rights herein given may be restricted by the resolution authorizing the issuance of such bonds, may, either at law or in equity, by suit, mandamus, or other proceeding, protect and enforce any and all rights under the laws of Florida or granted hereunder or under such resolution, and may enforce and compel the performance of all duties required by this act or by such resolution to be performed by the district or by the Governing Board of the district, including the fixing, charging, and collecting of rates, fees, and charges for services and facilities furnished by the water supply system, water system improvement, sewage disposal system, or sewer improvements and the levying and collecting of any special assessments.

(j) The Governing Board of the district is hereby authorized to provide by resolution for the issuance of water revenue refunding bonds of the district for the purpose of refunding any water revenue bonds then outstanding and issued under the provisions of this act. The Governing Board of the district is further authorized to provide by resolution for the issuance of water revenue bonds of the district for combined purposes:

1. Paying the cost of any extension, addition, or reconstruction of a water supply system or systems or water system improvements or the cost of a new water supply system or systems or water system improvements.

2. Refunding such water revenue bonds of the district which shall theretofore have been issued under the provisions of this act and shall then be outstanding and which then shall have matured or be subject to redemption or can be acquired for retirement. The issuance of such bonds, the maturities and other details thereof, the rights and remedies of holders thereof, and the rights, power, privileges, duties, and obligations of the district or of the Governing Board of the district with respect to the same shall be governed by the foregoing provisions of this act insofar as the same may be applicable.

(k) The Governing Board of the district is hereby authorized to provide by resolution for the issuance of sewer revenue refunding bonds of the district for the purpose of refunding any sewer revenue bonds then outstanding and issued under the provisions of this act. The Governing Board of the district is further authorized to provide by resolution for the issuance of sewer revenue bonds of the district for the combined purposes of:

1. Paying the cost of any extension, addition, or reconstruction of a sewage disposal system or systems or sewer improvements or the cost of a new sewage disposal system or systems or sewer improvements.

2. Refunding such sewer revenue bonds of the district which shall theretofore have been issued under the provisions of this act and shall then be outstanding and which then shall have matured or be subject to redemption or can be acquired for retirement. The issuance of such bonds, the maturities and other details thereof, the rights and remedies of holders thereof, and the rights, powers, privileges, duties, and obligations of the district or of the Governing Board of the district with respect to the same shall be governed by the foregoing provisions of this act insofar as the same may be applicable.

(10) To prohibit the use and maintenance of outhouses, privies, cesspools, and septic tanks, or similar devices as the Board may direct and to compel owners of buildings, structures, and boat marinas to connect with, and use, the system or systems of the district or other private or municipal system or systems within the district.

(11) To contract with the government of the United States, or any other department or subdivision of the state, or with any municipality, private corporation, partnership, association, or person to receive or dispose of wastes, or to collect, treat, or dispose of sewage; to purchase or sell water or, by contract, to arrange for the collection of charges made by the Board; and to enforce payment by shutting off and discontinuing service.

(12) To levy special assessments against properties adjoining or in close proximity to sewer and water lines of the district, which would be specifically benefited by the construction, acquisition, extension, and operation thereof which the system is designed to serve, provided that such assessments shall not exceed the cost of the assessable improvements constructed.

(a) The district may provide for the construction or reconstruction of a facility and for the levying of special assessments upon benefited property under the provisions of this section. The initial proceeding hereunder shall be the passage at any lawful meeting of the Governing Board of a resolution ordering the construction or reconstruction of such facility under and subject to the provisions of this section, indicating the location by terminal points and route and either giving a description of the improvement by its material, nature, character, and size or giving two or more such descriptions with the direction that the material, nature, character, and size shall be subsequently determined in conformity with one of such descriptions. Water system improvements or sewer improvements need not be continuous and may be in more than one locality or street. The resolution ordering any such improvement may give any short and convenient designation to each improvement ordered thereby, after which it shall be sufficient to refer to such improvement and property by such designation in all proceedings and assessments, except in the notices provided for in paragraphs (c) and (d).

(b)1. As soon as may be practicable after the passage of such resolution, the engineer for the district shall prepare in duplicate plans and specifications of each improvement ordered thereby and an estimate of the cost thereof. Such cost may include, in addition to the items of cost set forth in section 5(6) the cost of relaying streets and sidewalks necessarily torn up or damaged and shall include the following items of incidental expense:

a. Printing and publishing of notices and proceedings.

b. Any other expense necessary or proper in conducting the proceedings and work provided for in this section.

2. If the resolution shall provide alternative descriptions of material, nature, character, and size, such estimate shall include an estimate of the cost of the improvement of each such description.

3. The engineer shall also prepare in duplicate a tentative apportionment of the estimated cost as between the district and each lot or parcel of land subject to special assessment under the resolution, such apportionment to be made in accordance with the provisions of the resolution and the provisions of paragraph (f) in relation to apportionment of cost in the preliminary assessment roll. Such tentative apportionment of estimated cost shall not be held to limit or restrict the duties of the engineer in the preparation of such preliminary assessment roll. One of the duplicates of such plans, specifications, and estimate and such tentative apportionment shall be filed with the secretary of the Governing Board and the other duplicate shall be retained by the engineer in his or her files, all thereof to remain open to public inspection.

(c) The Governing Board, upon the filing with it of such plans, specifications, estimate, and tentative apportionment of cost, shall publish once in a newspaper published in Martin County and once in a newspaper published in Palm Beach County a notice stating that at a regular meeting of the Governing Board on a certain day and hour, not earlier than 10 days from such publication, the Governing Board will hear objections of all interested persons to the confirmation of such resolution, which notice shall state in brief and general terms a description of the proposed improvement with the location thereof and shall also state that plans, specifications, estimate, and tentative apportionment of cost thereof are on file in the office of the district. The Governing Board shall keep a record in which shall be inscribed, at the request of any person, firm, or corporation having or claiming to have an interest in any lot or parcel of land, the name and post office address of such person, firm, or corporation, together with a brief description or designation of such lot or parcel, and it shall be the duty of the Governing Board to mail a copy of such notice to such person, firm, or corporation at such address, at least 10 days before the time for the hearing as stated in such notice, but the failure of the Governing Board to keep such record or so to inscribe any name or address or to mail any such notice shall not constitute a valid objection to holding the hearing as provided in this section or to any other action taken under the authority of this section.

(d) At the time named in such notice, or to which an adjournment may be taken by the Governing Board, the Governing Board shall receive any objections of interested persons and may then or thereafter repeal or confirm such resolution with such amendments, if any, as may be desired by the Governing Board and which do not cause any additional property to be specially assessed.

(e) All objections to any such resolution on the grounds that it contains items which cannot be properly assessed against property, or that it is, for any default or defect in the passage or character of the resolution or the plans and specifications or estimate, void or voidable in whole or in part, or that it exceeds the power of the Governing Board, shall be made in writing, in person or by attorney, and filed with the Governing Board at or before the time or adjourned time of such hearing. Any objections against the making of any improvement not so made shall be considered as waived, and if an objection shall be made and overruled or shall not be sustained, the confirmation of the resolution shall be the final adjudication of the issues presented unless proper steps shall be taken in a court of competent jurisdiction to secure relief.

(f) Promptly after the completion of the work, the engineer for the district shall prepare a preliminary assessment roll and file same with the secretary of the Governing Board, which roll shall contain the following:

1. A description of the lots and parcels of land within the district, which shall include all lots and parcels which abut upon the sides of that part of any street in which a water supply system, water system improvement, or sanitary sewer, except a curb sewer, is to be constructed or reconstructed, all lots and parcels which abut upon the side or sides of any street in or along which side or sides a sanitary curb sewer shall have been constructed or reconstructed, and all lots and parcels which are served or are to be served by such water supply system, water system improvement, or sanitary sewer. Such lots and parcels shall include all property, whether publicly or privately owned. There may also be given, in the discretion of the engineer, the name of the owner of record of each lot or parcel, where practicable, and in all cases there shall be given a statement of the number of feet of property so abutting, which number of feet shall be known as frontage.

2. The total cost of the improvement, and the amount of incidental expense.

3. An apportionment as between the district and the property included in the preliminary assessment roll of the cost of each improvement, including incidental expense, to be computed as follows:

a. To each lot or parcel of land, to the property or curb line of which a water supply lateral or sanitary sewer lateral shall have been laid, shall be apportioned the cost of such lateral or laterals.

b. To abutting property shall be apportioned according to frontage, or any other method being deemed equitable by the Governing Board, all or any part of the cost of such water system improvements or sewer improvements as may be fixed by resolution ordering the improvements.

c. To the district shall be apportioned the remaining costs of the water system improvements or sewer improvements, unless all of such costs shall be apportioned to the abutting property. However, in the case of lots or parcels which abut on more than one street or which are served or are to be served by such water system improvements or sewer improvements although not abutting on either side of the street in which such improvement is constructed, the apportionment shall be made under such rules and regulations as the Governing Board shall deem to be fair and equitable.

(g) The preliminary assessment roll shall be advisory only and shall be subject to the action of the Governing Board as hereinafter provided. Upon the filing with the Governing Board of the preliminary assessment roll, the Governing Board shall publish once in a newspaper published in Martin County and once in a newspaper published in Palm Beach County a notice stating that at a meeting of the Governing Board to be held on a certain day and hour, not less than 12 days from the date of such publication, which meeting may be a regular, adjourned, or special meeting, all interested persons may appear and file written objections to the confirmation of such roll. Such notice shall state the class of the improvement and the location thereof by terminal points and route. Such meeting of the commission shall be the first regular meeting following the completion of the notice hereinabove required, unless the Governing Board shall have provided for a special meeting for such purpose.

(h) At the time and place stated in such notice the Governing Board shall meet and receive the objections in writing of all interested persons as stated in such notice. The Governing Board may adjourn the hearing from time to time. After completion thereof, the Governing Board shall either annul, sustain, or modify in whole or in part the prima facie assessment as indicated on such roll, either by confirming the prima facie assessment against any and all lots or parcels described therein, or by canceling, increasing, or reducing the same, according to the special benefits which the Governing Board decides each such lot or parcel has received or will receive on account of such improvement. If any property which may be chargeable under this section shall have been omitted from the preliminary roll or if the prima facie assessment shall not have been made against it, the Governing Board may place on such roll an apportionment to such property. The Governing Board shall not confirm any assessment in excess of the special benefits to the property assessed, and the assessments so confirmed shall be in proportion to the special benefits. Forthwith after such confirmation, such assessment roll shall be delivered to the county property appraisers of Martin County and Palm Beach County for the properties contained within their respective counties. The assessment so made shall be final and conclusive as to each lot or parcel assessed unless proper steps be taken in a court of competent jurisdiction to secure relief. If the assessment against any property shall

be sustained, reduced, or abated by the court, the property appraiser shall note that fact on the assessment roll opposite the description of the property affected thereby. The amount of the special assessment against any lot or parcel which may be abated by the court, unless the assessment upon the entire district is abated, or the amount by which such assessment is so reduced, may be, by resolution of the Governing Board, made chargeable against the district at large; or, in the discretion of the Governing Board, a new assessment roll may be prepared and confirmed in the manner hereinabove provided for the preparation and confirmation of the original assessment roll.

(i) Any assessment may be paid at the Office of the Martin County Tax Collector for property within Martin County, and the Office of the Palm Beach County Tax Collector for property within Palm Beach County within 30 days after the confirmation thereof, without interest. Thereafter all assessments shall be payable in equal annual installments, with interest not exceeding 8 percent per annum from the expiration of said 30 days in each of the succeeding 40 calendar years at the time or times in each year at which general county taxes are payable, provided, however, that the Governing Board may by resolution fix a shorter period of payment for any assessment, and provided, further, that any assessment may be paid at any time before due, together with interest accrued thereon to the date of payment.

(j) All assessments shall constitute a lien upon the property so assessed from the date of confirmation of the resolution ordering the improvement, of the same nature and to the same extent as the lien for general county taxes falling due in the same year or years in which such assessment or installments thereof fall due, and any assessment or installment not paid when due shall be collectible in the same manner and at the same time as such general taxes are or may be collectible, with the same attorney's fee, interest, and penalties and under the same provisions as to forfeiture and the right of the district to purchase the property assessed as are or may be provided by law in the case of county taxes. However, no such sale of any property for general county taxes or for any installment or installments of any such assessment and no perfecting of title under any such sale shall divest the lien of any installment of such assessment not due at the time of the sale. Collection of such assessments, with such interest and with a reasonable attorney's fee and costs, but without penalties, may also be made by the district by proceedings in a court of equity to foreclose the lien of assessments as a lien for mortgages is or may be foreclosed under the laws of the state, or by an action in rem in the manner provided by law for the foreclosure and collection of ad valorem taxes, provided that any such proceedings to foreclose shall embrace all installments of principal remaining unpaid with accrued interest thereon, which installments shall, by the institution of such proceedings, immediately become and be due and payable. Nevertheless, if, prior to any sale of the property under the decree of foreclosure in such proceedings, payment be made of the installment or installments which are shown to be due under the provisions of the resolution passed pursuant to paragraph (i), with interest as required by paragraph (i) and by this paragraph and all costs including attorney's fee, such payment shall have the effect of restoring the remaining installments to their original maturities as provided by the resolution passed pursuant to paragraph (i), and the proceedings shall be dismissed. It shall be the duty of the district to enforce the prompt collection of assessments by one or the other of the means herein provided, and such duty may be enforced at the suit of any holder of bonds issued under this act in a court of competent jurisdiction by mandamus or other appropriate proceeding or action. Not later than 30 days after the annual sale of property for delinquent taxes of the county, or if such property or taxes are not sold by the county, then within 60 days after such taxes become delinquent, it shall be the duty of the Governing Board to direct the attorney or attorneys whom the Governing Board shall then designate, to institute actions within 3 months after such direction to enforce the collection of all special assessments for local improvements made under this section and remaining due and unpaid at the time of such direction (unless theretofore sold at tax sale). Such action shall be prosecuted in the manner and under the conditions in and under which mortgages are foreclosed under the laws of the state. It shall be lawful to join in one action the collection of assessments against any or all property assessed by virtue of the same assessment roll unless the court shall deem such joinder prejudicial to the interest of any defendant. The court shall allow a reasonable attorney's fee for the attorney or attorneys of the district, and the same shall be collectible as a part of or in addition to the costs of the action. At any sale pursuant to decree in any such action, the district may be a purchaser to the same extent as an individual person or corporation, except that the part of the purchase price represented by the assessments sued upon and the interest thereon need not be paid in cash. Property so acquired by the district, including the certificate of sale thereof, may be sold or otherwise disposed of, for cash or upon terms, the proceeds of such disposition to be placed in the fund provided by paragraph (k). However, no sale or other disposition thereof shall be made unless notice calling for bids therefor to be received at a stated time and place shall have been published in a newspaper published in Martin County and Palm Beach County one time at least 1 week prior to such disposition.

(k) All assessments and charges made under the provisions of this section for the payment of all or any part of the cost of any sewer improvement or improvements for which bonds shall have been issued under the provisions of this act are hereby pledged to the payment of the principal of and the interest on such bonds and shall when collected be placed in a separate fund, properly designated, which fund shall be used for no other purpose than the payment of such principal and interest.

(l) Each school district and other political subdivision wholly or partly within the district and each public agency or instrumentality owning property within the district shall possess the same power and be subject to the same duties and liabilities in respect of assessment under this section affecting the real estate of such county, district, political subdivision, or public agency or instrumentality which private owners of real estate possess or are subject to hereunder, and such real estate shall be subject to liens for said assessments in all cases where the same property would be subject to had it at the time the lien attached been owned by a private person.

(13) To seek injunctive relief in a court of competent jurisdiction, to prevent the violation of this act or any resolution, rule, or regulation adopted pursuant to the powers granted by this act, without the necessity of showing of a public nuisance in such legal proceeding.

(14) To require the pretreatment of industrial wastes when the same are not amenable to treatment with normal domestic sewage before accepting industrial waste for treatment, and to refuse to accept industrial wastes when not sufficiently pretreated.

(15) To sell or otherwise dispose of the effluent, sludge, or other byproducts produced by any system.

(16) To designate as subdistricts one or more areas of operation which are to be served by and in which a system constructed or acquired pursuant to this act, may exclusively operate and to designate such area or areas of operation by an appropriate descriptive title.

(17) To construct, install, erect, and acquire and to operate, maintain, improve, extend, or enlarge and reconstruct a system or systems within the boundaries of the district and to have the control and jurisdiction thereof; to pay all or part of the cost of such construction, reconstruction, erection, acquisition, or installation of such utility system or combined utility system and additions, extensions, and improvements thereto, except as otherwise provided in this act.

(18) To acquire by purchase, gift, or condemnation in accordance with the provisions of chapters 73 and 74, Florida Statutes, such lands and rights and interest therein, including lands under water and riparian rights; and to acquire such personal property as it may deem necessary in connection with the construction, reconstruction, improvement, extension, installation, erection, or operation and maintenance of any system and to hold and dispose of such real and personal property, including, but not limited to, systems owned and operated by municipalities and counties.

(19) To exercise jurisdiction, control, and supervision over any system or any part thereof owned, operated, and maintained by the district; and to make and enforce such rules and regulations for the maintenance and operation of any system and improvements owned, operated, and

maintained by the district as may be necessary for the lawful operation of any such system or improvements in accordance with the laws of this state and the regulations of state departments and agencies having jurisdiction over the systems as defined herein.

(20) To furnish water and sewer collection services within the district; or to construct or acquire jointly with the county or counties and municipality or municipalities located within the district, systems or any parts or facilities hereof under such terms and conditions as shall be agreed upon between the district and such municipalities or counties; and to acquire, from any municipality or county, and operate any system, or any parts or facilities thereof, located within the boundaries of the district or territory, either within or without such municipality or county, except as otherwise provided in this act.

(21) To develop current and long-range plans to provide urban water and sewage to present and future population centers within the district at the earliest possible date.

(22) To investigate complaints caused by inadequate services or operation.

(23) To utilize or expand existing systems to serve population needs.

(24) To provide necessary laboratories and facilities for testing of operating systems.

(25) To negotiate the provisions for assumption of current indebtedness of any system or systems for which the district assumes responsibility.

(26) To levy an ad valorem tax in accordance with section 7.

(27) To issue revenue bonds and general obligation bonds, for the purposes of this act, in the manner set forth herein:

(a) The Governing Board of the district is hereby authorized to provide by resolution at one time or from time to time for the issuance of either water revenue bonds, sewer revenue bonds, or general obligation bonds of the district for the purpose of paying all or any part of the cost of any one or more of the following:

1. A water supply system or systems.

2. Extensions and additions thereto.

3. Water system improvements.

4. A sewage disposal system or systems.

5. Extensions and additions thereto.

6. Sewer improvements.

The bond of each issue shall be dated, shall bear interest at such rate or rates not exceeding 7.5 percent per annum, shall mature at such time or times not exceeding 50 years from their date or dates as may be determined by the Governing Board of the district, and may be made redeemable before maturity at the option of the district at such price or prices and under such terms and conditions as may be fixed by the Governing Board prior to the issuance of the bonds.

(b) The Governing Board of the district shall determine the form of the bonds, including any interest coupons to be attached thereto, and the manner of the execution of the bonds and shall fix the denomination or denominations of the bonds and place or places of payment of principal or interest which may be at any bank or trust company within or without the state. In case any officer whose signature or facsimile of whose signature appears on any bonds or coupons ceases to be such officer before the delivery of such bonds, such signature or facsimile shall nevertheless be valid and sufficient for all purposes as if he or she had remained in office until such delivery.

(c) All bonds issued under the provisions of this act have and are hereby declared to have all the qualities and incidents of negotiable instruments. Bonds may be issued in coupon or in registered form or both as the Governing Board may determine and provision may be made for the registration of any coupon bonds as to principal alone and also as to both principal and interest and for the reconversion into coupon bonds of any bonds registered as to bond principal and interest.

(d) The issuance of such bonds shall not be subject to any limitations or conditions contained in any other statute and the Governing Board may sell such bonds in such manner at public or private sale and for such price as it may determine to be for the best interests of the district, but no such sale shall be made at a price so low as to require the payment of interest on the money received therefor at more than 7.5 percent per annum computed with relation to the absolute maturity of the bonds in accordance with the standard tables of bond values, excluding from such computations the amount of any premium to be paid on redemption of any bonds prior to maturity. Prior to the preparation of definitive bonds, the district may, under like restrictions, issue interim receipts and temporary bonds with or without coupons exchangeable for definitive bonds when such bonds have been executed and are available for delivery. The Governing Board of the district may also provide for the replacement of any bonds which become mutilated, destroyed, or lost.

(e) Bonds may be issued under the provisions of this chapter without obtaining the consent of any commission, board, bureau, or agency of the state and without the proceeding or happening of any other condition or thing than those proceedings, conditions, or things which are specifically required by this act.

(f) The proceeds of such bonds shall be used solely for the payment of costs of the water supply system or systems or the water system improvements or the sewage disposal system or systems or the sewer improvements, for the purchase, construction, or reconstruction of which such bonds shall have been authorized, and shall be disbursed in such manner and under such restrictions, if any, as the Governing Board of the district may provide in the authorizing resolution. If the proceeds of such bonds, by error of estimates or otherwise, shall be less than such costs, additional bonds may in like manner be issued to provide the amount of such deficit and unless otherwise provided in the authorizing resolution shall be deemed to be of the same issue and shall be entitled to payment from the same fund without preference or priority of the bonds first issued for the same purpose. If the proceeds of the bonds of any issue shall exceed the amount required for the purpose for which such bonds shall have been issued, the surplus shall be paid into the fund provided under the provisions of this chapter for the payment of principal of and the interest on such bonds.

(g) For the payment of the principal and interest thereon on any general obligation bonds issued for the benefit of the district issued under the provisions of this act the Governing Board of the district is hereby authorized and required to levy annually a special tax upon all taxable property within the district over and above all other taxes authorized or limited by law sufficient to pay such principal and interest as the same respectively becomes due and payable, and the proceeds of all such taxes shall, when collected, be paid into a special fund and used for no other purpose than the payment of such principal and interest. However, there may be pledged to the payment of such principal and interest the proceeds of such water service charge and/or sewer service charges and in the event of such pledge the amount of the annual tax levied herein required may be reduced in any year by the amount of such proceeds actually received in the preceding year and then remaining on deposit to the credit of such fund for the payment of such principal and interest.

(h) Water revenue bonds may be used only in connection with the acquisition, construction, or operation of water supply systems or water system improvements, and sewer revenue bonds may be used only in connection with the acquisition, construction, and operation of sewage disposal systems and sewer improvements. Water revenue bonds and/or sewer revenue bonds issued under the provisions of this act shall not be deemed to constitute a pledge of the faith and credit of the district but such bonds shall be payable solely from the funds provided therefor under the provisions of this act. All such bonds shall contain a statement on their face substantially to the effect that the district is not obligated to pay such bonds or the interest thereon except from such funds and that the faith and the credit of the district is not pledged to the payment of the principal of or the interest on such bonds. The issuance of water revenue bonds and/or sewer revenue bonds under the provisions of this act shall

not directly or indirectly or contingently obligate the district to levy any taxes whatever therefor or to make any appropriation for their payment except from the funds pledged under the provisions of this act.

(i) 1. The resolution authorizing the issuance of water revenue bonds under the provisions of this act shall pledge the revenues to be received but shall not convey or mortgage any water supply system or water system improvements, or any part thereof.

2. The resolution authorizing the issuance of sewer revenue bonds under the provisions of this act shall pledge the revenue to be received but it shall not convey or mortgage any sewage disposal system or sewer improvements or any part thereof.

3. Either water revenue bonds or sewer revenue bonds may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the Governing Board of the district in relation to the purchase, construction, reconstruction, improvement, maintenance, operation, repair, and insurance of the water supply system or systems and the water system improvements and the sewage disposal system or systems and the sewer improvements and the provisions for the custody, safeguarding, and application of all moneys, and for the employment of consulting engineers in connection with such purchase, construction, reconstruction, or operation. Such resolution may set forth the rights and remedies of the bondholders and may restrict the individual right of action by bondholders as is customary in trust agreements or trust indentures securing bonds or debentures or corporations.

4. In addition to the foregoing, such resolution may contain such other provisions as the Governing Board of the district may deem reasonable and proper for the security of bondholders. Except as in this act otherwise provided, the Governing Board of the district may provide for the payment of the proceeds of the sale of the bonds and revenues of the water supply system or systems and of any water system improvements or of the sewage disposal system or systems and of any sewer improvements to such officer, board, or depository as it may designate for the custody thereof, and for the method of disbursement thereof, with such safeguards and restrictions as it may determine.

(j) The resolution providing for the issuance of water revenue bonds and/or sewer revenue bonds may also contain such limitations upon the issuance of additional water revenue bonds and/or sewer revenue bonds as the Governing Board of the district may deem proper, and such additional bonds shall be issued under such restrictions and limitations as may be prescribed by such resolution.

(k) No water revenue bonds or sewer revenue bonds shall be issued under the authority of this act unless the Governing Board of the district shall have theretofore found and determined the estimated cost of the facilities or systems on account of which such bonds are to be issued, the estimated annual revenues of such facilities or systems, and the estimated annual cost of maintaining, repairing, and operating such facilities or systems, nor unless it shall appear from such estimate that the annual revenues will be sufficient to pay such cost of maintenance, repair, and operation and the interest on such bonds and the principal thereof as such interest and principal shall become due.

(l) If the approval of the issuance of water revenue bonds or sewer revenue bonds at an election of the residents who are qualified electors residing in the district shall be required by the State Constitution, such election shall be called, noticed, and conducted and the result thereof determined and declared as shall have been or may be required by law for the issuance of bonds of the district.

(m) Notwithstanding the provisions of paragraphs (h), (i), (j), and (k), the district may issue water and sewer revenue bonds for the purpose of construction, acquisition, or improvement of water supply systems or water system improvements and sewage disposal systems or sewer improvements, which have been combined by the district. Such water and sewer revenue bonds may also be issued for the purpose of the construction, acquisition, or improvement of such combined system, or any part thereof, and the refunding of any outstanding bonds or obligations theretofore issued to finance the cost of such combined system or any part thereof.

(n) In the event that the water supply system or water system improvements and sewage disposal systems and sewer improvements are combined into one water and sewer system, all of the provisions of this chapter relating to water supply systems or water system improvements and sewage disposal systems and sewer improvements and water revenue bonds and sewer revenue bonds shall apply to such combined systems and water and sewer revenue bonds to the extent the same are applicable.

Section 7. The Board may, subject to approval as provided in section 17, levy upon all of the taxable property in the district a special tax not exceeding 1/4 mill on the dollar during each year solely for the purposes authorized and prescribed by this act. Said levy shall be made each year not later than July 1 by resolution of the Board of a majority thereof duly entered upon its minutes. Certified copies of such resolution executed in the name of the Board by the chair and secretary and under its corporate seal shall be made and delivered to the Boards of County Commissioners of Palm Beach and Martin Counties and to the Department of Revenue, not later than July 1 of each year. The property appraisers of the respective counties shall assess and the collectors of the respective counties shall collect the amount of taxes so assessed and levied by the Board upon all of the taxable property in the district at the rate of taxation adopted by the Board for the year and included in the resolution, and the levy shall be included in the warrants of property appraisers and attached to the assessment roll of taxes for the respective counties each year. The tax collectors shall collect such taxes so levied by the Board in the same manner as other taxes are collected and shall pay the same within the time and in the manner prescribed by law to the treasurer of the Board. The Department of Revenue shall assess all such property in accordance with section 193.035, Florida Statutes. All such taxes shall be held by the treasurer for the credit of the Board and paid out in accordance with the provisions of this act.

Section 8. In the event that the fees, rates, or charges for the services and facilities of any system are not paid when due:

(1) The district may, if such default continues for 30 days or more after written notice to such delinquent customer, discontinue and shut off the supply of the services and facilities of said system, to the person, firms, corporation, or other body, public or private, so supplied with such services or facilities, until such fees, rates, or charges, including legal interest, penalties, and charges for the shutting off and discontinuance or the restoration of such services or facilities are fully paid. Such delinquent fees or charges, together with legal interest, penalties, and charges for the shutting off and discontinuance or the restoration of such services or facilities, and reasonable attorney's fees, costs, and other expenses, may be recovered by the Board in a court of competent jurisdiction.

(2) The district shall have a lien on all lands and premises served by it for all charges, until paid, for services provided to such lands or premises by the district, or connection fees associated therewith, which lien shall be prior to all other liens, except that such lien shall be on parity with the lien of state, county, and municipal taxes, and any lien for charges for services created pursuant to section 159.17, Florida Statutes. Such lien shall be perfected by the district by recording in the official records of the county in which the lands or premises are located a claim of lien in a form substantially as provided in section 713.08, Florida Statutes. A copy of the claim of lien shall be served as provided in section 713.18, Florida Statutes, within 10 days after the claim of lien is recorded. If 30 days after service has been made liens created under this section remain delinquent, such liens may be foreclosed by the district in the manner provided by the laws of this state for the foreclosure of mortgages on real property, and the district shall be entitled to reasonable interest, attorney's fees, and other court costs.

Section 9. The district may assume the operation of any system which substantially fails to meet its financial responsibilities or operating standards pursuant to this act or other laws and regulations of this state.

Section 10. The district may provide for the construction or reconstruction of assessable improvements as defined in section 5, and

pay for the same by all financing, assessment, and taxing means permitted by law and this act.

Section 11. The Board shall prepare an annual report, audited by a qualified certified public accountant, including all matters relating to revenues, expenses of maintenance, repair, and operation and renewals and capital replacements, principal and interest requirements, and the status of all funds and accounts. Copies of such report shall be filed with the department by October 1 of the following fiscal year and shall be open to public inspection and available upon request at cost.

Section 12. No water system, storm drainage system, sewer system, or other facility for the production, treatment of sewage, and collection and discharge of storm drainage shall be constructed within the district unless the Board gives its consent thereto and approves the plans and specifications therefor. Said consent and approval shall not be given unless the location and design thereof and its equipment will permit it to be operated in unison with the district's systems and other existing systems and is adequate to meet the minimum standards of such systems as provided by law and this act.

Section 13. The Board shall have the power to transfer, sell, or assign any of the property of the district which it finds is not needed to carry out the purposes of this act to any other governmental agency at whatever terms it deems reasonable.

Section 14. The provisions of this act shall be liberally construed to effect its purposes.

Section 15. In case any one or more of the sections or provisions of this act, or the application of such sections or provisions to any situations, circumstances, or person, shall for any reason be held to be unconstitutional or invalid, such unconstitutionally or invalidity shall not affect any other sections or provisions of this act or the application of such sections or provisions to any other situation, circumstance, or person, and it is intended that this act shall be construed and applied as if such section or provision so held unconstitutional or invalid had not been included in this act.

Section 16. Nothing contained in this act shall be construed to empower the district to exercise control over the management of waters of the Central and Southern Florida Flood Control project, or over any of the works of the Central and Southern Florida Flood Control District. Nothing contained herein shall be construed to empower the district to use the power of eminent domain against the Central and Southern Florida Flood Control District, nor to empower the levy of special assessment or ad valorem taxes against lands held by the Central and Southern Florida Flood Control District.

Section 17. The provisions of section 7 which authorize the levy of ad valorem taxation shall take effect only upon its approval by a vote of the electors of the district as may be required by the State Constitution. The Board shall call and provide for the holding of a referendum at the next election of the district or at a special election called by the Board for that purpose at which referendum the qualified electors in the district shall approve or reject the authority to levy ad valorem taxes provided in this act, all as may be now required by the Florida Constitution; and the previous failure of the district to previously call such referendum as required by the former language of section 17 of chapter 71-822, Laws of Florida, shall in no way affect the validity of the result of such referendum to be held. If ad valorem taxation shall be approved at said election, the Board may impose an initial tax levy not to exceed 1/4 mill. Any subsequent increase in said tax levy may only be made with the approval of the electors of said district at a special election called by the Board and held for that purpose. Such elections shall be held in accordance with the provisions of sections 100.211-100.351, Florida Statutes.

Section 18. The qualified electors of the district shall have the power of initiative to propose an action to be taken by the Board which the Board is authorized under this act to take and the power of referendum to require reconsideration by the Board of any action of a nature requiring full compliance with the Administrative Procedure Act taken by the Board. If the Board fails to take the action proposed or to repeal the action to be reconsidered, the electors shall be entitled to approve or reject the proposed or reconsidered action according to the following procedure:

(1) A petition must be prepared and filed with the Board within 10 days after final passage of such action which shall contain a statement of the proposed action or of the action to be reconsidered and the signatures of at least 10 percent of the qualified electors within the district voting in the most recent district election, or 5 percent of the registered district voters, whichever is greater.

(2) The petition shall be filed with the Board which shall submit the petition to the supervisors of elections of the counties within the district for verification of signatures. Upon receipt of certification by the supervisors of elections that the petition contains at least 10 percent of qualified electors within the district, voting in the most recent district election, or 5 percent of the registered district voters, whichever is greater, the Board shall promptly consider the proposed action or reconsider the action to be reconsidered by voting its repeal. If the Board does not adopt the proposed action or repeal the action to be reconsidered within 30 days after receipt of the certification, the Board shall fix a day for holding an election to be held not less than 60 days nor more than 90 days from the receipt of such certification.

(3) This section shall not apply to any actions of the Board approved prior to the effective date of the 1978 amendments, nor shall the same in any manner affect obligations and indebtedness incurred prior to the 1978 amendments. If a majority of the votes cast in the election are in favor of the proposed action or in favor of the repeal of the action being reconsidered, the proposed action shall be considered adopted, or the action being reconsidered shall be considered repealed upon the announcement of the official canvass of the election.

(4) The word "action" as used in this act shall not include matters involving internal management or administration of grants, but does include, without limitation, any matters arising under the Administrative Procedure Act, chapter 74-310, Laws of Florida.

(5) Nothing in this section shall be construed to require any person to register to vote in any election held pursuant to this section if at the time such election is held, the person is registered to vote in state or county elections.

Section 4. *Chapters 71-822, 75-475, 76-429, 76-431, 78-559, 78-561, 80-577, 86-429, 86-430, 88-506, 90-438, and 92-255, Laws of Florida, are repealed.*

Section 5. *If any provision of this act, or any provision of the district's charter contained herein, is held to be unconstitutional, such holding shall not affect the validity of the remaining provisions of this act.*

Section 6. This act shall take effect upon becoming a law.

Rep. Atwater moved the adoption of the amendment, which was adopted.

On motion by Rep. Atwater, the rules were waived and HB 971, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 899

Yeas—112

The Chair	Baxley	Brutus	Evers
Alexander	Bean	Bucher	Farkas
Allen	Bendross-Mindingall	Bullard	Fasano
Andrews	Bennett	Byrd	Feeney
Argenziano	Bense	Cantens	Fields
Arza	Benson	Carassas	Fiorentino
Attkisson	Berfield	Clarke	Frankel
Atwater	Betancourt	Cusack	Gannon
Ausley	Bilirakis	Davis	Garcia
Baker	Bowen	Detert	Gardiner
Ball	Brown	Diaz de la Portilla	Gelber
Barreiro	Brummer	Dockery	Gibson

Goodlette	Joyner	Mayfield	Romeo
Gottlieb	Kallinger	Maygarden	Ross
Green	Kendrick	McGriff	Russell
Greenstein	Kilmer	Meadows	Ryan
Haridopolos	Kosmas	Mealor	Seiler
Harper	Kottkamp	Melvin	Simmons
Harrell	Kravitz	Murman	Smith
Harrington	Kyle	Needelman	Sorensen
Hart	Lacasa	Negron	Spratt
Henriquez	Lee	Paul	Stansel
Heyman	Lerner	Peterman	Trovillion
Hogan	Littlefield	Pickens	Waters
Holloway	Lynn	Prieguez	Weissman
Jennings	Machek	Rich	Wiles
Johnson	Mack	Richardson	Wilson
Jordan	Mahon	Ritter	Wishner

Nays—None

Votes after roll call:
Yeas—Flanagan, Siplin, Slosberg

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

HB 973—A bill to be entitled An act relating to the City of West Palm Beach, Palm Beach County; amending and readopting section 16 of chapter 24981, Laws of Florida, 1947, as amended, relating to the West Palm Beach Police Pension Fund; providing for the creation of the fund; providing definitions; providing for a board of trustees; providing for professional and clerical services; providing for reports, experience tables, and regular interest; providing for membership; providing for service credit; providing for age and service requirements for retirement; providing for retirement pension calculation; providing for cost-of-living adjustments; providing for Chapter 185 share accounts; providing for supplemental pension distribution; providing for Deferred Retirement Option Plan; providing for nonduty disability pension; providing for duty disability pension; providing for conditions applicable to all disability retirants; providing for death benefits; providing for workers' compensation offsets; providing for members' contributions and refunds; providing for sources of revenue; providing for investments; providing for continuation of existing benefits; prohibiting assignments; providing for subrogation rights; providing applicability of ordinances; providing review procedures; providing for lump sum payment of small retirement income; providing for pickup of member contributions; providing for Internal Revenue Code limits; providing for required distributions; providing for rollovers from qualified plans; providing for transfer of leave; providing for rollover distributions; providing miscellaneous requirements; providing for actuarial assumptions; repealing all laws in conflict herewith; providing an effective date.

—was read the second time by title.

The Committee on Local Government & Veterans Affairs offered the following:

(Amendment Bar Code: 885559)

Amendment 1—
Remove everything after the enacting clause

and insert:

Section 1. Section 16 of chapter 24981, Laws of Florida, 1947, as amended, is amended and readopted to read:

(Substantial rewording of section. See chapter 93-373, Laws of Florida, as amended by chapters 96-526, 97-336, 99-483, 2000-410, and 2001-312, Laws of Florida, for present text.)

Section 16. West Palm Beach Police Pension Fund.—

(1) Creation of fund.—There is hereby created and established a special fund for the police officers of the City of West Palm Beach to be known as the West Palm Beach Police Pension Fund. All assets of every description held in the name of the West Palm Beach Police Pension and Relief Fund and in the name of the West Palm Beach Pension Fund have been and continue to be combined.

(2) Definitions.—The following words or phrases, as used in this act, shall have the following meanings, unless a different meaning is clearly indicated by the context:

(a) "Actuarial equivalent value," "actuarial equivalence," or "single sum value" means the stated determination using an interest rate of 8.25 percent per year and the 1983 Group Annuity Mortality Table.

(b) "Beneficiary" means any person, except a retirant, who is entitled to receive a benefit from the West Palm Beach Police Pension Fund or the West Palm Beach Police Pension and Relief Fund, as applicable.

(c) "Board of Trustees" or "Board" means the Board of Trustees provided for in this act.

(d) "City" means the City of West Palm Beach, Florida.

(e) "Department" means the Police Department in the City of West Palm Beach.

(f) "Enrolled actuary" means an actuary who is enrolled under Subtitle C of Title III of the Employee Retirement Income Security Act of 1974 and who is a member of the Society of Actuaries or the American Academy of Actuaries.

(g) "Final average salary" means the average of the monthly salary paid a member in the 3 best years of employment.

(h) "Fund" or "Pension Fund" means the West Palm Beach Police Pension Fund or the West Palm Beach Pension and Relief Fund, as applicable.

(i) "Member" or "participant" means any person who is included in the membership of the Fund in accordance with subsection (6).

(j) "Pension" means a monthly amount payable from the Fund throughout the future life of a person, or for a limited period of time, as provided in this act.

(k) "Police officer" means any person who is elected, appointed, or employed full time by the City, who is certified or required to be certified as a law enforcement officer in compliance with section 943.14, Florida Statutes, who is vested with authority to bear arms and make arrests, and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state. This definition includes all certified supervisory and command personnel whose duties include, in whole or in part, the supervision, training, guidance, and management responsibilities of full-time law enforcement officers, part-time law enforcement officers, or auxiliary law enforcement officers, but does not include part-time law enforcement officers or auxiliary law enforcement officers as the same are defined in subsections (6) and (8) of section 943.10, Florida Statutes.

(l) "Qualified health professional" means a person duly and regularly engaged in the practice of his or her profession who holds a professional degree from a university or college and has special professional training or skill regarding the physical or mental condition, disability, or lack thereof, upon which he or she is to present evidence to the Board.

(m) "Qualified public depository" means any bank or savings association organized and existing under the laws of Florida and any bank or savings association organized under the laws of the United States that has its principal place of business, or a branch office, in Florida which is authorized under the laws of Florida or the United States to receive deposits in Florida; that meets all of the requirements of chapter 280, Florida Statutes; and that has been designated by the Treasurer of the State of Florida as a qualified public depository.

(n) "Retirant" means any member who retires with a pension from the Fund.

(o) "Retirement" means a member's withdrawal from City employment with a pension payable from the Fund.

(p) "Salary" means the fixed monthly compensation paid to a member; compensation shall include those items as have been included as compensation in accordance with past practice. However, the term shall not be construed to include lump sum payments for accumulated leave. On and after January 1, 1997, compensation shall mean payment for regular hours worked, overtime payments for services performed for the City, hazardous duty pay, holiday pay, educational supplements, longevity pay, specialized assignment pay, and any payments for approved leave, excluding lump sum payments for accumulated leave such as accrued vacation leave, accrued sick leave, and accrued personal leave. This definition of compensation shall not include off-duty employment performed for vendors other than the City of West Palm Beach per Article 37, Salary Plan Section 7 of the Officers' and Sergeants' Contract and Article 36, Salary Plan Section 5 of the Lieutenants' Contract.

(q) "Service" or "service credit" means the total number of years, and fractional parts of years, of employment of any police officer, omitting intervening years, and fractional parts of years, when such police officer was not employed by the City. No member shall receive credit for years, or fractional parts of years, of service for which the member has withdrawn his or her contributions to the Fund. It is further provided that a member may voluntarily leave his or her contributions in the Fund for a period of 5 years after leaving the employ of the Department, pending the possibility of being rehired by the Department, without losing credit for the time he or she has participated actively as a police officer. Should he or she not be reemployed as a police officer with the Department within 5 years, his or her contributions shall be returned without interest. In determining the aggregate number of years of service of any member, the time spent in the military service of the United States or United States Merchant Marine by the police officer on leave of absence for such reason shall be added to the years of service. However, to receive credit for such service, the member must have reentered the employ of the Department within 1 year after date of release from such service.

(r) The masculine gender includes the feminine and words in the singular with respect to persons shall include the plural and vice versa.

(3) Board of Trustees of Police Pension Fund.—

(a) Board of Trustees created.—There is hereby created a Board of Trustees, which shall be solely responsible for administering the West Palm Beach Police Pension Fund. The Board shall be a legal entity, with the power to bring and defend lawsuits of every kind, nature, and description and shall be independent of the City to the extent required to accomplish the intent, requirements, and responsibilities provided for in this act. The Board shall consist of five trustees, as follows:

1. Two legal residents of the City, who shall be appointed by the City. Each resident trustee shall serve as a trustee for a period of 2 years, unless sooner replaced by the City, at whose pleasure he or she shall serve, and may succeed himself or herself as a trustee.

2. Two police officers, who shall be elected by a majority of the police officers who are members of the Fund. Elections shall be held under such reasonable rules and regulations as the Board shall from time to time adopt. Each member-trustee shall serve as trustee for a period of 2 years, unless he or she sooner ceases to be a police officer in the employ of the Department, whereupon the members shall choose his or her successor in the same manner as the original appointment. Each member-trustee of the Fund may succeed himself or herself as a trustee.

3. A fifth trustee, who shall be chosen by a majority of the other four trustees. This fifth person's name shall be submitted to the City, which shall, as a ministerial duty, appoint such person to the Board as a fifth trustee. The fifth person shall serve as trustee for a period of 2 years, and may succeed himself or herself as a trustee.

(b) Board vacancy; how filled.—In the event a trustee provided for in subparagraph (a)2. ceases to be a police officer in the employ of the Department, he or she shall be considered to have resigned from the Board. In the event a trustee provided for in subparagraph (a)2. shall resign, be removed, or become ineligible to serve as a trustee, the Board shall, by resolution, declare the office of trustee vacated as of the date of adoption of said resolution. If such a vacancy occurs in the office of trustee within 90 days of the next succeeding election for trustee, the vacancy shall be filled at the regular election for the next term; otherwise, the vacancy shall be filled for the unexpired portion of the term, as provided in subparagraph (a)2. In the event a trustee provided for in subparagraph (a)1. or subparagraph (a)3. shall resign, be removed, or become ineligible to serve as a trustee, the Board shall, by resolution, declare the office of trustee vacated as of the date of adoption of said resolution. The trustee's successor for the unexpired portion of said trustee's term shall be chosen in the same manner as an original appointment.

(c) Board meetings; quorum; procedures.—The Board shall hold meetings regularly, at least one in each quarter year, and shall designate the time and place thereof. At any meeting of the Board, three trustees shall constitute a quorum. Each trustee shall be entitled to one vote on each question before the Board and at least three concurring votes shall be required for a decision by the Board at any of its meetings. The Board shall adopt its own rules of procedure and shall keep a record of its proceedings. All public records of the Board shall be kept and maintained as required by law. All meetings of the Board shall be open to the public and shall be held as required by law.

(d) Board chair.—The Board shall elect from among the trustees a chair.

(e) Board secretary.—The Board shall elect from among the trustees a secretary. The secretary shall keep a complete minute book of the actions, proceedings, and hearings of the Board.

(f) Compensation.—The trustees of the Fund shall not receive any compensation for their services as such, but may receive expenses and per diem as provided by law.

(4) Professional and clerical services.—

(a) Pension administrator.—The pension administrator of the Fund shall be designated by the Board and shall carry out its orders and directions.

(b) Custodian of funds.—All moneys and securities of the Fund may be deposited with the cash management coordinator of the City, acting in a ministerial capacity only, who shall be bonded and shall be liable in the same manner and to the same extent as he or she is liable for the safekeeping of funds for the City. However, any funds and securities deposited with the cash management coordinator shall be kept in a separate fund by the cash management coordinator or clearly identified as funds and securities of the Fund. In lieu thereof, the Board shall deposit the Funds and securities in a qualified public depository designated by the Board.

1. The cash management coordinator or other designated qualified public depository shall receive all moneys due said Fund from all sources whatsoever. All tax revenue received pursuant to the provisions of chapter 185, Florida Statutes, shall be deposited into the Fund no more than 5 days after receipt. Member contributions withheld by the City on behalf of a member shall be deposited in the Fund immediately.

2. The Board may issue drafts upon the Fund pursuant to this act and rules and regulations prescribed by the Board, provided that such drafts shall be issued in accordance with generally accepted accounting procedures, American Institute of Certified Public Accountants guidelines, and rules of the State of Florida Auditor General. All such drafts shall be consecutively numbered and signed by the chair and secretary, and each draft shall, upon its face, state the purpose for which it is drawn. For this purpose, the chair and secretary shall be bonded. The cash management coordinator or other depository shall retain such drafts when paid, as permanent vouchers for disbursements made, and no money shall be otherwise drawn from the Fund. Payments from the Fund shall be made only upon a specific or general motion or resolution previously adopted by the Board authorizing such payment or payments.

(c) Legal counsel.—The City Attorney shall give advice to the Board in all matters pertaining to its duties in the administration of the Fund whenever requested, shall represent and defend the Board as its attorney

in all suits and actions at law or in equity that may be brought against it, and shall bring all suits and actions in its behalf that may be required or determined upon by said Board. However, if the Board so elects, it may employ independent legal counsel at the Fund's expense for the purposes set forth in this act.

(d) Actuary.—The Board shall designate an enrolled actuary who shall be its technical advisor and who shall perform such other actuarial services as are required.

(e) Certified public accountant.—The Board shall employ, at its expense, a certified public accountant to conduct an independent audit of the Fund. The certified public accountant shall be independent of the Board and the City.

(f) Additional professional, technical, or other services.—The Board shall have the authority to employ such professional, technical, or other advisors as are required to carry out the provisions of this act.

(5) Reports; experience tables; regular interest.—

(a) Reports.—The pension administrator shall keep, or cause to be kept, such data as shall be necessary for an actuarial valuation of the assets and liabilities of the Fund.

(b) Experience tables; regular interest; adoption of same.—The Board shall, from time to time, adopt such mortality and other tables of experience, and a rate or rates of interest, as required to operate the Fund on an actuarial basis.

(6) Membership.—All police officers in the employ of the Department shall be included in the membership of the Fund, and all persons who hereafter become police officers in the employ of the City shall thereupon become members of the Fund. Except as otherwise provided in this act, should any member cease to be a police officer in the employ of the Department, he or she shall thereupon cease to be a member and his or her credited service at that time shall be forfeited. In the event such person is reemployed in the Department as a police officer, he or she shall again become a member. Should said employment occur within a period of 6 years from and after the date the member last left the employ of the Department, his or her forfeited service shall be restored to the member's credit, provided that he or she returns to the Fund the amount he or she might have withdrawn, together with regular interest from the date of withdrawal to the date of repayment. Upon the member's retirement or death, he or she shall thereupon cease to be a member.

(7) Service credit.—Pursuant to appropriate rules and regulations, the Board shall determine and credit the amount of service to which each member shall be credited, consistent with the provisions of this act and chapter 185, Florida Statutes.

(8) Age and service requirements for retirement.—

(a) Normal retirement.—Upon written application filed with the Board, any member may retire and receive the applicable pension provided for in paragraph (9)(a), provided that the member has attained age 50 and has at least 20 years of credited service, has attained age 55 and has at least 10 years of credited service, or has at least 25 years of continuous credited service, regardless of age.

(b) Vested deferred retirement.—A member who leaves the employ of the Department with 10 or more years of credited service and who is not eligible for any other retirement benefit under this act shall be entitled to the pension provided for in this subsection. Payments of this pension shall begin the first day of the calendar month following the month in which his or her application is filed with and accepted by the Board on or after attainment of age 50 years. If applicable, the amount of the pension shall be determined in accordance with the early retirement provisions below.

(c) Early retirement.—Any member may retire from the service of the Department as of the first day of any calendar month which is prior to the member's normal retirement date but subsequent to the date as of which he or she has both attained the age of 50 and completed 10 years of credited service. In the event of early retirement, the monthly amount of retirement income payable shall be computed as described in paragraph (9)(a), taking into account his or her credited service to his or her date of actual retirement and his or her final average salary as of such date. The amount of retirement income shall be actuarially reduced to take into account the member's younger age and earlier commencement of retirement income benefits. The early retirement reduction shall be 3 percent for each year by which the member's age at retirement preceded the member's normal retirement age.

(9) Retirement pension calculation.—

(a) Upon retirement eligibility as provided in subsection (8), a member shall receive a monthly pension. The pension shall be the following, as applicable:

1. A member who has more than or equal to 12 years and 6 months of service at October 1, 1999, and who was actively employed by the Department on or after October 1, 1999, shall receive a benefit equal to the greater of the following:

a. Three percent of final average salary multiplied by the number of years, and fraction of a year, of credited service earned from April 1, 1987, plus 2.5 percent of final average salary multiplied by the number of years, and fraction of a year, of credited service earned prior to April 1, 1987, up to a total of 26 years, plus 1 percent of the final average salary multiplied by the number of years, and fraction of a year, of credited service which is in excess of 26 years;

b. Two and one-half percent of final average salary multiplied by the number of years, and fraction of a year, of credited service, not to exceed 26 years, plus 1 percent of the final average salary multiplied by the number of years, and fraction of a year, of credited service which is in excess of 26 years; or

c. The sum of the following:

(I) Two and one-half percent of final average salary multiplied by the number of years, and fraction of a year, of credited service earned through September 30, 1988; and

(II) Two percent of final average salary multiplied by the number of years, and fraction of a year, of credited service earned on and after October 1, 1988.

However, in no event shall the benefit be less than 2 percent per year of credited service.

2. A member who has more than 12 years and 6 months of service and who has entered the DROP on or before October 1, 1999, and who was actively employed by the Department on October 1, 1999, shall receive a benefit equal to the greater of the following:

a. Three percent of final average salary multiplied by the number of years, and fraction of a year, of credited service earned in the 12 years and 6 months prior to entering the DROP, plus 2.5 percent of final average salary multiplied by the number of years, and fraction of a year, of credited service earned prior to that date which is 12 years and 6 months prior to entering the DROP, up to a total of 26 years, plus 1 percent of the final average salary multiplied by the number of years, and fraction of a year, of credited service which is in excess of 26 years. The one-half percent enhancement to the accrual rate shall also be applied retroactively to the date of entering the DROP, or 2 years, whichever is less, provided that the retroactive application shall include principal only and not any earnings thereon. An example of the calculation described in this sub-subparagraph is set forth in the collective bargaining agreement between the City of West Palm Beach and the Police Benevolent Association, Certified Unit No. 825, October 1, 1998-September 30, 2001;

b. Two and one-half percent of final average salary multiplied by the number of years, and fraction of a year, of credited service, not to exceed 26 years, plus 1 percent of the final average salary multiplied by the number of years, and fraction of a year, of credited service which is in excess of 26 years; or

c. The sum of the following:

(I) Two and one-half percent of final average salary multiplied by the number of years, and fraction of a year, of credited service earned through September 30, 1988; and

(II) Two percent of final average salary multiplied by the number of years, and fraction of a year, of credited service earned on and after October 1, 1988.

However, in no event shall the benefit be less than 2 percent per year of credited service.

3. A member who has less than 12 years and 6 months of service on October 1, 1999, and who was actively employed by the Department on or after October 1, 1999, shall receive a benefit equal to the greater of the following:

a. Three percent of final average salary multiplied by the number of years, and fraction of a year, of credited service up to a total of 26 years, plus 1 percent of the final average salary multiplied by the number of years, and fraction of a year, of credited service which is in excess of 26 years;

b. Two and one-half percent of final average salary multiplied by the number of years, and fraction of a year, of credited service, not to exceed 26 years, plus 1 percent of the final average salary multiplied by the number of years, and fraction of a year, of credited service which is in excess of 26 years; or

c. The sum of the following:

(I) Two and one-half percent of final average salary multiplied by the number of years, and fraction of a year, of credited service earned through September 30, 1988; and

(II) Two percent of final average salary multiplied by the number of years, and fraction of a year, of credited service earned on and after October 1, 1988.

However, in no event shall the benefit be less than 2 percent per year of credited service.

4. A member who terminated employment, retired on a vested deferred benefit, or retired on or before October 1, 1999, shall receive a benefit equal to the greater of the following:

a. Two and one-half percent of final average salary multiplied by the number of years, and fraction of a year, of credited service not to exceed 26 years, plus 1 percent of the final average salary multiplied by the number of years, and fraction of a year, of credited service which is in excess of 26 years; or

b. The sum of the following:

(I) Two and one-half percent of final average salary multiplied by the number of years, and fraction of a year, of credited service earned through September 30, 1988; and

(II) Two percent of final average salary multiplied by the number of years, and fraction of a year, of credited service earned on and after October 1, 1988.

The 3-percent benefit accrual factor for active employees in subparagraphs (a)1., 2., 3., and 4. is contingent on and subject to the adoption and maintenance of the assumptions set forth in subsection (34). If such assumptions are modified by legislative, judicial, or administrative agency action and the modification results in increased City contributions to the Pension Fund, the 3-percent benefit accrual factor for active employees in subparagraphs (a)1., 2., and 3. shall be automatically decreased prospectively from the date of the action, to completely offset the increase in City contributions. However, in no event shall the benefit accrual factor in subparagraphs (a)1., 2., 3., and 4. be adjusted below 2.5 percent.

To the extent that the benefit accrual factor is less than 3 percent for active members with less than 12 years and 6 months of service on October 1, 1999, the supplemental pension distribution calculation under subparagraph (12)(a)2. shall be adjusted for employees who retire or enter the DROP after October 1, 1999. The adjustment shall be to decrease the minimum return of 8.25 percent needed to afford the supplemental pension distribution, where the amount of the reduction is zero if an employee has been credited with 12 years and 6 months of service or more with the 3-percent benefit accrual factor or 1.25 percent if an employee has been credited with no more than a 2.5-percent benefit accrual factor. If an employee has been credited with less than 12 years and 6 months of service at the 3-percent benefit accrual factor, then the accumulated amount over 2.5 percent for each year of service divided by one-half percent divided by 12.5 subtracted from 1 multiplied by 1.25 percent is the reduction from 8.25 percent. An example of the calculation of the minimum return for the supplemental pension distribution as herein described is set forth in the collective bargaining agreement between the City of West Palm Beach and the Police Benevolent Association, Certified Unit No. 145 and Certified Unit No. 825, October 1, 1998-September 30, 2001.

(b) Payment of benefits.—

1. First payment.—Service pensions shall be payable on the first day of each month. The first payment shall be payable the first day of the month coincident with or next following the date of retirement or death, provided the member has completed the applicable age and service requirements.

2. Last payment.—The last payment shall be the payment due next preceding the member's death, except that payments shall be continued to the designated beneficiary (or beneficiaries) if a 10-year certain benefit, a joint and survivor option, or beneficiary benefits, as applicable, are payable.

(c) Normal form of retirement income; 10-year certain benefit.—

1. Married member.—The normal form of retirement benefit for a married member or for a member with dependent children or parents shall be a pension and death benefits. The pension benefit shall provide monthly payments for the life of the member. Thereafter, death benefits shall be paid to the beneficiary designated by the member as provided in subsection (17).

2. Unmarried member.—The normal form of retirement benefit for an unmarried member without dependent children or parents shall be a 10-year certain benefit. This benefit shall pay monthly benefits for the member's lifetime. In the event the member dies after his or her retirement but before receiving retirement benefits for a period of 10 years, the same monthly benefit shall be paid to the beneficiary (or beneficiaries) as designated by the member for the balance of such 10-year period or, if no beneficiary is designated, to heirs at law, or estate of the member, as provided in section 185.162, Florida Statutes.

(d) Optional forms of retirement income.—

1.a. In the event of normal, early, or disability retirement, in lieu of the normal form of retirement income payable as specified in paragraph (c), and in lieu of the death benefits as specified in subsection (17), a member, upon written request to the Board and subject to the approval of the Board, may elect to receive a retirement income of equivalent actuarial value payable in accordance with one of the following options:

(I) Lifetime option.—A retirement income of a larger monthly amount, payable to the member for his or her lifetime only.

(II) Joint and survivor option.—A retirement income of a modified monthly amount, payable to the member during the joint lifetime of the member and a dependent joint pensioner designated by the member, and following the death of either of them, 100 percent, 75 percent, 66-2/3 percent, or 50 percent of such monthly amounts, payable to the survivor for the lifetime of the survivor.

b. The member, upon electing any option of this paragraph, shall designate the joint pensioner or beneficiary (or beneficiaries) to receive the benefit, if any, payable in the event of his or her death, and shall have the power to change such designation from time to time; but any such change shall be deemed a new election and shall be subject to approval by the Board. Such designation shall name a joint pensioner or one or

more primary beneficiaries where applicable. If a member has elected an option with a joint pensioner or beneficiary and his or her retirement income benefits have commenced, he or she may thereafter change the designated joint pensioner or beneficiary only twice.

c. The consent of a member's joint pensioner or beneficiary to any such change shall not be required. However, the spouse of a married member must consent to any election to waive a joint and survivor benefit by signing the election before a notary public. The spouse's written consent must acknowledge the effect of such a waiver. Consent of the spouse shall not be required if the spouse cannot be located, or for such other circumstances as may be prescribed by regulations of the Secretary of the Treasury. Any consent by a spouse shall be effective only with respect to such spouse.

d. The Board may request such evidence of the good health of the joint pensioner who is being removed as it may require; and the amount of the retirement income payable to the member upon the designation of a new joint pensioner shall be actuarially redetermined, taking into account the ages and sex of the former joint pensioner, the new joint pensioner, and the member. Each such designation shall be made in writing on a form prepared by the Board, and, on completion, shall be filed with the Board. In the event that no designated beneficiary survives the member, such benefits as are payable in the event of the death of the member subsequent to his or her retirement shall be paid as provided in subparagraph (c)2.

2. Retirement income payments shall be made under the option elected in accordance with the provisions of this paragraph and shall be subject to the following limitations:

a. If a member dies prior to his or her normal retirement date or early retirement date, whichever first occurs, retirement benefits shall be paid in accordance with subsection (17).

b. If the designated beneficiary (or beneficiaries) or joint pensioner dies before the member's retirement, the option elected shall be canceled automatically and a retirement income of the normal form and amount shall be payable to the member upon his or her retirement as if the election had not been made, unless a new election is made in accordance with the provisions of this paragraph or a new beneficiary is designated by the member prior to his or her retirement.

c. If a member continues in the employ of the Department after meeting the age and service requirements set forth in paragraph (8)(a) and dies prior to retirement and while an option provided for in this paragraph is in effect, monthly retirement income payments shall be paid, under the option, to a beneficiary (or beneficiaries) designated by the member in the amount or amounts computed as if the member had retired under the option on the date on which his or her death occurred.

3. No member may make any change in his or her retirement option after the date of cashing or depositing the first retirement check.

(e) Designation of beneficiary.—

1. Each member may, on a form provided for that purpose, signed and filed with the Board, designate a beneficiary (or beneficiaries) to receive the benefit, if any, which may be payable in the event of the member's death; and each designation may be revoked by such member by signing and filing with the Board a new designation of beneficiary form. However, after the benefits have commenced, a retirant may change his or her designation of a joint annuitant or beneficiary only twice. If the retirant desires to change his or her joint annuitant or beneficiary, he or she shall file with the Board a notarized notice of such change either by registered letter or on a form as provided by the Board. Upon receipt of a completed change of joint annuitant form or such other notice, the Board shall adjust the member's monthly benefit by the application of actuarial tables and calculations developed to ensure that the benefit paid is the actuarial equivalent of the present value of the member's current benefit.

2. Absence or death of beneficiary.—If a deceased member failed to name a beneficiary in the manner prescribed in subparagraph 1., or if the beneficiary (or beneficiaries) named by a deceased member predeceases the member, death benefits, if any, which may be payable under this act on behalf of such deceased member may be paid, in the discretion of the Board, to:

a. The spouse or dependent child or children of the member;

b. The dependent living parent or parents of the member; or

c. The estate of the member.

(10) Cost-of-living adjustments.—

(a) The following words and phrases as used in this subsection mean:

1. Unadjusted amount of retirement benefit.—The amount of retirement benefit that would be paid a retiree or beneficiary of the provisions if this subsection were not applicable.

2. Consumer price index.—The consumer price index for urban wage earners and clerical workers as published by the United States Department of Labor, Bureau of Labor Statistics. Should the Bureau of Labor Statistics adopt a new base or modify the method of computation of the consumer price index so as to render it unsuitable, the Board shall make appropriate adjustments. The Board shall choose another index which it determines to be appropriate if the consumer price index is no longer published.

3. Retirement benefit effective date.—The date as of which payments of a retirement benefit first commence. A new effective date does not occur when a retiree dies and a retirement allowance is paid to a beneficiary.

4. Base month.—The more recent of the month of October 1976, the month and year of the retirement benefit effective date, or the month and year in which the retiree attains age 64 years.

(b) Subject to the limitations stated in this subsection, the unadjusted amount of the retirement benefit for retirees 65 years of age or older shall be increased each January 1, beginning January 1, 1977. The retirement benefit shall increase by 3 percent multiplied by the number of complete years from the later of:

1. January 1, 1976;

2. The retirement benefit effective date; or

3. The first day of the month after attainment of age 65 years

to January 1 of the year in which the adjustment is being made.

(c) The accumulated adjustments to a retirement benefit after January 1, 1977, expressed as a percentage of the unadjusted amount of retirement allowance, shall not exceed the percentage increase in the consumer price index for the period between the base month and the month of October in the year preceding adjustment.

(d) An adjustment shall not be made on any January first if the amount of the adjustment is less than 1 percent of the unadjusted amount of retirement benefit.

(11) Chapter 185 share accounts.—

(a) A separate individual member account shall be established and maintained in each member's name effective October 1, 1988.

(b) Share account funding.—

1. Chapter 185 moneys.—Each individual member account shall be credited with the moneys received from chapter 185, Florida Statutes, tax revenues in June 1988 and thereafter.

2. Forfeitures.—In addition, any forfeitures as provided in paragraph (e) shall be credited to the individual member accounts in accordance with the formula set forth in paragraph (c).

(c) Annual allocation of accounts.—

1. Moneys shall be credited to each individual member account in an amount directly proportionate to the number of pay periods for which the member was paid compared to the total number of pay periods for which all members were paid, counting the pay periods in the calendar year

preceding the date for which chapter 185, Florida Statutes, tax revenues were received.

2. At the end of each fiscal year (September 30), each individual member account shall be adjusted to reflect the earnings or losses resulting from investments, as well as reflecting the costs, fees, and expenses of administration.

3. The investment earnings (or losses) credited to the individual member accounts shall be the same percentage as are earned (or lost) by the total investment earnings (or losses) of the Fund as a whole, unless the Board dedicates a separate investment portfolio for chapter 185, Florida Statutes, share accounts, in which case the investment earnings (or losses) shall be measured by the investment earnings (or losses) of the separate investment portfolio.

4. Costs, fees, and expenses of administration shall be debited from the individual member accounts on a proportionate basis, taking the costs, fees, and expenses of administration of the Fund as a whole, multiplied by a fraction, the numerator of which is the total of the assets in all individual member accounts and the denominator of which is the total of the assets of the Fund as a whole. The proportionate share of the costs, fees, and expenses shall be debited to each individual member account on a pro rata basis in the same manner as chapter 185, Florida Statutes, tax revenues are credited to each individual member account (i.e., based on pay periods).

5. If the entire balance of the individual member account is withdrawn before September 30 of any year, there shall be no adjustment made to that individual member account to reflect either investment earnings (or losses) or costs, fees, and expenses of administration.

(d) Eligibility for benefits.—Any member who terminates employment with the City, upon application filed with the Board, shall be entitled to 100 percent of the value of his or her individual member account, provided the member meets any of the following criteria:

1. The member is eligible to receive a pension as provided in subsection (8);

2. The member has 5 or more years of credited service and is eligible to receive either:

a. A nonduty disability pension as provided in paragraph (14)(a); or

b. Death benefits for nonduty death as provided in paragraph (17)(a); or

3. The member has any credited service and is eligible to receive either:

a. A duty disability pension as provided in subsection (15); or

b. Death benefits for death in the line of duty as provided in paragraph (17)(b).

(e) Forfeitures.—Any member who has less than 10 years of credited service and who is not eligible for payment of benefits after termination of employment with the City shall forfeit his or her individual member account. The amounts credited to said individual member account shall be redistributed to the remaining individual member accounts in the same manner as chapter 185, Florida Statutes, tax revenues are credited (i.e., based on pay periods).

(f) Payment of benefits.—The normal form of benefit payment shall be a lump sum payment of the entire balance of the member's individual member account or upon the written election of the member, upon a form provided by the Board; and payment shall be made:

1. Over 3 years in annual installments; or

2. In monthly installments over the lifetime of the member or until the entire balance is exhausted. The monthly amount paid shall be determined by the Fund's actuary in accordance with selections made by the member on a form provided by the Board of Trustees.

(g) Death of member.—If a member dies and is eligible for benefits from the individual member account, the entire balance of the individual member account shall be converted to the name of the beneficiary designated in accordance with paragraph (9)(e). The entire balance shall be paid out in a lump sum to the beneficiary, at the discretion of the beneficiary. If the designated beneficiary is the surviving spouse, the account may remain with the Fund until the latest period specified under subsection (30). These individual accounts shall not be eligible for any further shares of the Chapter 185 moneys but shall be credited with interest. If a member fails to designate a beneficiary, or if the beneficiary predeceases the member, the entire balance shall be converted, in the following order, to the name or names of:

1. The member's surviving children on a pro rata basis;

2. If no children are alive, the member's spouse;

3. If no spouse is alive, the member's surviving parents on a pro rata basis; or

4. If none are alive, the estate of the member.

The accounts which are converted to the names of the beneficiaries shall have the right to name a successor beneficiary. Any designated beneficiary, other than the surviving spouse of the member, must take a distribution of the entire share account balance by the end of 5 years following the death of the member. Installment distributions which begin in the calendar year of the member's death shall be treated as complying with this 5-year distribution requirement, even though the installments are not completed within 5 years after the member's death.

(12) Supplemental pension distribution.—

(a) The Board of Trustees shall annually authorize a supplemental pension distribution, the amount of which shall be determined as of each September 30, as applicable.

1. For employees who retired prior to October 1, 1999, the amount of the distribution shall be equal to the actuarial present value of future pension payments to current pensioners, multiplied by the positive difference, if any, between the rate of investment return (not to exceed 9 percent) and 7 percent, plus one-half of any investment earnings over 9 percent.

2. For those employees who have more than 12-1/2 years of service on and after October 1, 1999, or who are part of the DROP on or after October 1, 1999, the amount of the distribution shall be equal to the actuarial present value of future pension payments to those pensioners multiplied by the positive difference, if any, between the rate of investment return (not to exceed 9 percent) and 7 percent, plus one-half of any investment earnings over 9 percent.

3. For those employees who have less than 12-1/2 years of service as of October 1, 1999, the amount of the distribution shall be equal to the actuarial present value of future pension payments to those pensioners multiplied by the positive difference, if any, between the rate of investment return (not to exceed 9 percent) and 8.25 percent, plus one-half of any investment earnings over 9 percent.

(b) The actuary shall determine whether there may be a supplemental pension distribution based on the following factors:

1. The actuary for the Pension Fund shall determine the rate of investment return earned on the Pension Fund assets during the 12-month period ending each September 30. The rate determined shall be the rate reported in the most recent actuarial report submitted pursuant to part VII of chapter 112, Florida Statutes.

2. The actuary for the Pension Fund shall, as of September 30, determine the actuarial present value of future pension payments to current pensioners. The actuarial present values shall be calculated using an interest rate of 7 percent per year compounded annually, and a mortality table approved by the Board of Trustees and as used in the most recent actuarial report submitted pursuant to part VII of chapter 112, Florida Statutes.

3. The supplemental pension distribution amount shall not exceed accumulated net actuarial experience from all pension liabilities and

assets. If the net actuarial experience is favorable, cumulatively, commencing with the experience for the year ending September 30, 1991, after offset for all prior supplemental distributions, the supplemental distribution may be made. If the net actuarial experience is unfavorable, cumulatively, commencing with the experience for the year ended September 30, 1991, after offset for all prior supplemental distributions, no supplemental distribution may be made, and the City must amortize the loss until it is offset by cumulative favorable experience.

If an actuarial report submitted as provided in this paragraph is not state accepted prior to distribution, and if a deficiency to the Pension Fund results, the deficiency shall be made up from the next available supplemental pension distribution, unless sooner made up by agreement between the Board of Trustees and the City. No such deficiency shall be permitted to continue for a period greater than 3 years from the date of payment of the supplemental pension distribution which resulted from the deficiency.

(c) If the actuary determines there may be a supplemental distribution, the Board of Trustees shall authorize a "supplemental pension distribution," unless the administrative expenses of distribution exceed the amount available for the distribution.

(d) Eligible persons are:

1. Pensioners.

2. Surviving spouses.

3. Surviving dependent children.

4. Pensioners' estates.

(e) The supplemental pension distribution shall be allocated among eligible persons based upon years of service in the proportion that the eligible person's years of service bear to the aggregate amount of years of service of all eligible persons. Allocations for surviving spouses and surviving dependent children who are eligible to receive supplemental pension distributions shall be 66-2/3 percent of the years of service earned by the pensioner. Maximum service credits shall be 25 years. Allocations for duty-disability pensioners shall be based upon 25 years of service. Allocations for duty-death beneficiaries (surviving spouse and surviving dependent children) shall be based upon 66-2/3 percent of 25 years of service.

(f) The supplemental pension distribution shall be made as of April 1, 1992, and each April 1 thereafter. Each eligible person shall be paid his or her allocated portion from the preceding September 30. Eligible persons retired for less than 1 year are entitled to a pro rata share of their supplemental pension distribution based on the number of months retired. A pensioner's estate is entitled to a pro rata share of the deceased retirant's supplemental pension distribution based on the number of months that the deceased retirant received a pension during the year ending the September 30 prior to the retirant's death.

(13) Deferred Retirement Option Plan (DROP).—

(a) Eligibility to participate in the DROP.—

1. Any member who is eligible to receive a normal retirement pension may participate in the DROP. Members shall elect to participate by applying to the Board of Trustees on a form provided for that purpose.

2. Election to participate shall be forfeited if not exercised within the first 27 years of combined credited service.

3. A member shall not participate in the DROP beyond the time of attaining 30 years of service and the total years of participation in the DROP shall not exceed 5 years. For example:

a. Members with 25 years of credited service at the time of entry shall participate for only 5 years.

b. Members with 26 years of credited service at the time of entry shall participate for only 4 years.

c. Members with 27 years of credited service at the time of entry shall participate for only 3 years.

4. Upon a member's election to participate in the DROP, he or she shall cease to be a member and shall no longer accrue any benefits under the Pension Fund, except for the benefits provided under subsection (11), Chapter 185 share accounts. For all Fund purposes, the member becomes a retirant, except that a DROP participant shall continue to receive shares of the chapter moneys in accordance with subsection (11), Chapter 185 share accounts. The amount of credited service shall freeze as of the date of entry into the DROP.

5. Notwithstanding any provision of this section to the contrary, the Police Chief in the Department may, at his or her option, extend his or her participation in the DROP beyond 5 years or 30 years of total service. For purposes of this subsection, "Police Chief" means a member who has been promoted from police officer through the ranks of the Department to the position of Police Chief. Any such Police Chief shall not participate in the DROP beyond the attainment of 33 years of service, and the total years of participation in the DROP shall not exceed 8 years.

(b) Amounts payable upon election to participate in DROP.—

1. Monthly retirement benefits that would have been payable had the member terminated employment with the Department and elected to receive monthly pension payments shall be paid into the DROP and credited to the retirant. Payments into the DROP shall be made monthly over the period the retirant participates in the DROP, up to a maximum of 60 months.

2. Payments to the DROP earn interest using the rate of investment return earned on Pension Fund assets as reported by the Fund's investment monitor. However, if a police officer does not terminate employment at the end of participation in the DROP, interest credits shall cease on the current balance and on all future DROP deposits.

3. No payments shall be made from the DROP until the member terminates employment with the Department.

4. Upon termination of employment, participants in the DROP shall receive the balance of the DROP account in accordance with the following rules:

a. Members may elect to begin to receive payment upon termination of employment or defer payment of the DROP until the latest day as provided under sub-subparagraph c.

b. Payments shall be made in either:

(I) Lump sum.—The entire account balance shall be paid to the retirant upon approval of the Board of Trustees.

(II) Installments.—The account balance shall be paid out to the retirant in three equal payments paid over 3 years, the first payment to be made upon approval of the Board of Trustees.

(III) Annuity.—The account balance shall be paid out in monthly installments over the lifetime of the member or until the entire balance is exhausted. Monthly amount paid shall be determined by the Fund's actuary in accordance with selections made by the member on a form provided by the Board of Trustees.

c. Any form of payment selected by a police officer must comply with the minimum distribution requirements of s. 401(A)(9) of the Internal Revenue Code and is subject to the requirements of subsection (29) of this act; e.g., payments must commence by age 70-1/2.

d. The beneficiary of the DROP participant who dies before payments from the DROP begin shall have the same right as the participant in accordance with subsection (17).

(c) Loans from the DROP.—

1. Availability of loans.—

a. Loans are available to members only after termination of employment, provided the member had participated in the DROP for a period of 12 months.

b. Loans may only be made from a member's own account.

c. There may be no more than one loan at a time.

2. Amount of loan.—

a. Loans may be made up to a maximum of 50 percent of account balance.

b. The maximum dollar amount of a loan is $50,000, reduced by the highest outstanding loan balance during the last 12 months.

c. The minimum amount of a loan is $5,000.

3. Limitations on loans.—Loans shall be made from the amounts paid into the DROP and the earnings thereon.

4. Term of loan.—

a. The loan must be for at least 1 year.

b. The loan shall be no longer than 5 years.

5. Loan interest rate.—

a. The interest rate shall be fixed at the time the loan is originated for the entire term of the loan.

b. The interest rate shall be equal to the prime rate published by an established local bank on the last day of each calendar quarter preceding the date of loan application.

6. Defaults on loans.—

a. Loans shall be in default if 2 consecutive months' repayments are missed or if a total of 4 months' repayments are missed.

b. Upon default, the entire balance becomes due and payable immediately.

c. If a loan in default is not repaid in full immediately, the loan may be canceled and the outstanding balance treated as a distribution, which may be taxable.

d. Upon default of a loan, a member shall not be eligible for additional loans.

7. Miscellaneous provisions.—

a. All loans must be evidenced by a written loan agreement signed by the member and the Board of Trustees. The agreement shall contain a promissory note.

b. A member's spouse must consent in writing to the loan. The consent shall acknowledge the effect of the loan on the member's account balance.

c. Loans shall be considered a general asset of the Fund.

d. Loans shall be subject to administrative fees to be set by the Board of Trustees.

(14) Nonduty disability pension.—

(a) Retirement.—Any member who entered the employ of the Department as a police officer after September 30, 1961, and who has 5 or more years of credited service, who becomes physically or mentally, totally and permanently disabled to perform the duties of a police officer, shall be retired with a pension provided for in this subsection upon his or her application, or upon the application of the Police Chief on his or her behalf, filed with the Board, provided that after a medical examination of the member made by or under the direction of the medical committee, the medical committee reports to the Board in writing whether:

1. The member is wholly prevented from rendering useful and efficient service as a police officer; and

2. The member is likely to remain so disabled continuously and permanently.

The Board may admit and consider any other evidence that will assist it in understanding the medical committee's report. The final decision as to whether a member meets the requirements for a nonduty disability pension rests with the Board and shall be based on substantial competent evidence on the record as a whole.

(b) Nonduty disability pension benefits; disability occurs after age and service eligibility.—A member whose retirement on account of disability, as provided in paragraph (a), occurs on or after the date he or she became eligible to retire under subsection (8) shall receive the applicable pension provided for in subsection (9).

(c) Nonduty disability pension benefits; disability occurs before age and service eligibility.—A member whose retirement on account of disability, as provided in paragraph (a), occurs prior to the date he or she would have become eligible to retire under paragraph (8)(a) shall receive a disability pension equal to the applicable pension payable in subsection (9), provided that:

1. If the member has less than 10 years of credited service, the disability pension shall not be less than 20 percent of his or her final average salary as of his or her disability retirement date;

2. If the member has at least 10 years of credited service, the disability pension shall not be less than 25 percent of his or her final average salary as of his or her disability retirement date; and

3. The disability pension shall be subject to the provisions of subsection (18).

(15) Duty disability pension.—

(a) Retirement.—Any member who becomes physically or mentally, totally and permanently disabled to perform the duties of a police officer by reason of a personal injury or disease arising out of and in the course of the performance of his or her duties as a police officer in the employ of the City shall be retired with a pension provided for in this subsection, provided that, after a medical examination of the member made by or under the direction of the medical committee, the medical committee reports to the Board in writing whether:

1. The member is wholly prevented from rendering useful and efficient service as a police officer; and

2. The member is likely to remain so disabled continuously and permanently.

The Board may admit and consider any other evidence that will assist it in understanding the medical committee's report. Any condition or impairment of health of a member caused by tuberculosis, hypertension, heart disease or hardening of the arteries, hepatitis, or meningococcal meningitis resulting in total or partial disability or death shall be presumed to be accidental and suffered in line of duty unless the contrary be shown by competent evidence. Any condition or impairment of health caused directly or proximately by exposure, which exposure occurred in the active performance of duty at some definite time or place without willful negligence on the part of the member, resulting in total or partial disability shall be presumed to be accidental and suffered in the line of duty, provided that such member shall have successfully passed a physical examination upon entering such service, which physical examination, including electrocardiogram, failed to reveal any evidence of such condition. In order to be entitled to the presumption in the case of hepatitis, meningococcal meningitis, or tuberculosis, the member must meet the requirements of section 112.181, Florida Statutes. The final decision as to whether a member meets the requirements for duty disability pension rests with the Board and shall be based on substantial competent evidence on the record as a whole.

(b) Duty disability pension benefits; disability occurs after age and service eligibility.—A member whose retirement on account of disability, as provided in paragraph (a), occurs on or after the date he or she becomes eligible to retire under subsection (8) shall receive the applicable pension provided for in subsection (9).

(c) Duty disability pension benefits; disability occurs before age and service eligibility.—A member whose retirement on account of disability, as provided in paragraph (a), occurs prior to the date he or she would become eligible to retire under subsection (8) shall receive a disability

pension equal to the appropriate pension payable in subsection (9). The disability pension payable to age 55 shall not be less than two-thirds of his or her final average salary. Upon reaching age 55, the member shall begin receiving a pension computed in accordance with the applicable provisions of subsection (9). In calculating the new pension figure, the member shall be given service credit for the period he or she was in receipt of the disability pension provided for in this paragraph. Any pension payable under this subsection shall be subject to the provisions of subsection (18).

(16) Conditions applicable to all disability retirants.—

(a) Medical committee.—The medical committee provided for in subsections (14) and (15) shall consist of no less than two qualified health professionals, one of whom shall be designated by the Board, and one by the member. If deemed necessary by the Board, a third qualified health professional, selected by the two committee members previously designated, may be named to the medical committee. The member shall be responsible for the expenses of the qualified health professional he or she designates to serve on the medical committee. Expenses for any other medical examination required under this act shall be paid by the Fund. The medical committee shall report to the Board the existence and degree of permanent physical impairment of the member, if any, based upon the most recent edition of the American Medical Association's Guide to the Evaluation of Permanent Impairment, if applicable.

(b) Exclusions from disability pensions.—No disability pension shall be payable, either as a duty disability or as a nonduty disability, if the disability is the result of:

1. Excessive and habitual use by the member of drugs, intoxicants, or narcotics;

2. Injury or disease sustained by the member while willfully and illegally participating in fights, riots, or civil insurrections or while committing a crime;

3. Injury or disease sustained by the member while serving in any armed forces;

4. Injury or disease sustained by the member after his or her employment has terminated;

5. Injury or disease sustained by the member while working for anyone other than the City and arising out of such employment; or

6. Injury or disease sustained by the member before employment with the City begins. This subparagraph applies only in the event of a duty injury or disease.

(c) Payment of disability pensions.—Monthly disability retirement benefits shall be payable as of the date the Board determines that the member was entitled to a disability pension; however, the first payment shall actually be paid on the first day of the first month after the Board determines such entitlement. Any portion due for a partial month shall be paid together with the first payment. The last payment shall be, if the member recovers from the disability prior to his or her normal retirement date, the payment due next preceding the date of recovery or, if the member dies without recovering from his or her disability, then the following shall apply:

1. Member with 10 or more years of service.—Death benefits as set forth in subsection (17) shall be paid.

2. Member with less than 10 years of service.—Payments shall be made until the member's death.

Any monthly disability retirement income payments due after the death of a disabled member shall be paid to the member's designated beneficiary (or beneficiaries) as provided in section 185.162, Florida Statutes, or paragraph (9)(e) or subsection (17), as applicable.

(d) Normal form of disability retirement income.—

1. Duty or nonduty disability with 10 years of service.—

a. Married member.—The standard form of disability retirement benefit for a married member or for a member with dependent children or parents shall be a disability pension and death benefit. This form of benefit shall provide monthly payments for the life of the member as set forth in subsection (14) or subsection (15), as applicable, or the disability retiree may select optional forms of benefits in accordance with paragraph (9)(d). Thereafter, death benefits shall be paid as provided in subsection (17).

b. Unmarried member.—The standard form of disability retirement benefit for a member who is not married or who does not have dependent children or parents shall be a 10-year certain benefit. This benefit shall pay monthly benefits for the member's lifetime. In the event the member dies after his or her retirement but before he or she has received disability retirement benefits for a period of 10 years, the same monthly benefit shall be paid to the beneficiary (or beneficiaries) as designated by the member for the balance of such 10-year period. In the absence of a designated beneficiary, then the benefits shall be paid to the estate of the retiree.

2. Duty or nonduty disability with less than 10 years of service.—The standard form of disability retirement benefit shall provide monthly payments for the life of a member as set forth in subsection (14) or subsection (15), as applicable. Thereafter, beneficiary benefits shall be paid as provided in subsection (17), as applicable.

(e) Reexaminations of disability retirants.—At least once each year during the first 5 years following a member's retirement on account of disability, and at least once in each 3-year period thereafter, the Board shall require any disability retirant who has not attained age 50 to undergo a medical examination by a physician designated by the Board. If the retirant refuses to submit to the medical examination, his or her disability pension may be suspended by the Board until his or her withdrawal of such refusal. If such refusal continues for 1 year, all of his or her rights in and to a disability pension may be revoked by the Board. If, upon medical examination of such retirant, the physician reports to the Board that the retirant is physically able and capable of performing the duties of a police officer in the rank held by him or her at the time of his or her retirement, the retirant shall be returned to employment in the Department at a salary not less than the salary of the rank previously held by him or her. The disability pension shall then terminate.

(f) Credited service for disability retirant.—In the event a disability retirant is returned to employment in the Department, as provided in paragraph (e), he or she shall again become a member of the Fund and shall be restored the credited service at the time of the member's retirement. If he or she retired under a duty disability as provided in paragraph (15)(a), he or she shall be given service credit for the period he or she was in receipt of a disability pension. If the member retired under a nonduty disability as provided in paragraph (14)(a), then he or she shall not be given service credit for the period he or she was in receipt of a disability pension.

(17) Death benefits.—

(a) Nonduty death while employed by the department; 5 years or more.—In the event a member who has 5 or more years of credited service dies, and the Board finds his or her death to have occurred as the result of causes arising outside the performance of his or her duties as a member, the following applicable pensions shall be paid:

1. A pension equal to two-thirds of the pension to which he or she would have been entitled under subsection (9) if he or she had retired the day preceding the date of his or her death, notwithstanding that he or she might not have satisfied a retirement age and service requirement stipulated in subsection (8), provided that the "widow's pension" shall not be less than one-seventh of the member's final average salary. Upon the surviving spouse's death, the pension shall terminate. Any pension payable under this paragraph shall be subject to the provisions of subsection (18).

2. In the event the deceased member does not leave a surviving spouse, or if the surviving spouse dies and the member leaves an unmarried child or children under age 18, each such child shall receive a pension of any equal share of the pension to which the said deceased member's surviving spouse was entitled or would have been entitled if he

or she left a surviving spouse. Upon any such child's adoption, marriage, death, or attainment of age 18, the child's pension shall terminate and it shall be apportioned to the pensions payable to the said deceased member's remaining eligible children under the age of 18. In no case shall the pension payable to any such child exceed one-seventh of the deceased member's final average salary, nor shall it be less than $15 per month. A pension payable under this paragraph shall be subject to the provisions of subsection (18).

3. In the event the deceased member does not leave a surviving spouse or children eligible to receive a pension and the member leaves a parent or parents who the Board finds are dependent upon the member for at least 50 percent of his, her, or their financial support, each parent shall receive a pension of an equal share of the pension to which the member's surviving spouse would have been entitled if he or she had left a surviving spouse. Upon any such parent's remarriage or death, his or her pension shall terminate. Any pension payable under this paragraph shall be subject to the provisions of subsection (18).

4. In the event the deceased member does not leave a surviving spouse, children, or parents to receive a pension, then the death benefit, if any, shall be paid to the estate of the deceased member.

In any of the above cases, the Board, in its discretion, may direct that the actuarial value of the monthly benefit be paid as a lump sum.

(b) Duty death.—In the event a member dies and the Board finds his or her death to be the natural and proximate result of a personal injury or disease arising out of and in the course of his or her actual performance of the duties as a police officer in the employ of the City, the following applicable pensions shall be paid:

1. The surviving spouse shall receive a pension equal to four-ninths of the member's final average salary. Upon the surviving spouse's death, the pension shall terminate. Any pension payable under this paragraph shall be subject to the provisions of subsection (18).

2. If, in addition to a surviving spouse, the deceased member leaves an unmarried child or children under age 18, each child shall receive a pension of $150 per month. Upon any child's adoption, marriage, death, or attainment of age 18, the child's pension shall terminate. Any pension payable under this paragraph shall be subject to the provisions of subsection (18).

3. In the event the deceased member does not leave a surviving spouse, or if the surviving spouse dies, and the member leaves an unmarried child or children under age 18, each such child shall receive a pension of an equal share of one-third of the deceased member's final average salary. Upon any such child's adoption, marriage, death, or attainment of age 18, the child's pension shall terminate and it shall be apportioned to the pensions payable to the deceased member's remaining eligible children under age 18. Any pension payable under this paragraph shall be subject to the provisions of subsection (18).

4. Any pensions payable, under subparagraphs 2. and 3. above, to any child under age 18 shall be paid to his or her legal guardian.

5. In the event the deceased member does not leave a surviving spouse or children under age 18 eligible to receive a pension provided for in subparagraph 1., subparagraph 2., or subparagraph 3., and the member leaves a parent or parents who the Board finds are dependent upon the member for at least 50 percent of his, her, or their financial support, then each parent shall receive a pension of an equal share of one-third of the deceased member's final average salary. Upon any such parent's remarriage or death, his or her pension shall terminate. Any pension payable under this paragraph shall be subject to the provisions of subsection (18).

6. In the event the deceased member does not leave a surviving spouse, children, or parents eligible to receive a pension, then the death benefit, if any, shall be paid to the estate of the deceased member.

In any of the above cases, the Board, in its discretion, may direct that the actuarial value of the monthly benefit be paid as a lump sum.

(c) Death after retirement.—Upon the death of a retirant, the following applicable pensions shall be paid, subject to the provisions of subsection (18):

1. The surviving spouse of the retirant shall receive a pension of two-thirds of the retirant's pension, provided that the retirant was receiving a pension under paragraph (9)(a). Upon the surviving spouse's death, the pension shall terminate.

2. In the event the deceased retirant does not leave a surviving spouse eligible to receive a pension, or if the surviving spouse dies and he or she leaves an unmarried child or children under age 18, each child shall receive a pension of an equal share of two-thirds of the deceased retirant's pension. Upon any child's adoption, marriage, death, or attainment of age 18, the child's pension shall terminate and it shall be apportioned to the pensions payable to the deceased retirant's remaining eligible children under age 18. In no case shall the pension payable to any such child exceed 20 percent of the deceased retirant's pension, or be less than $15 per month.

3. In the event the deceased retirant does not leave a surviving spouse or children eligible to a pension provided for in subparagraphs 1. and 2. above, and he or she leaves a parent or parents who the Board finds are dependent upon the retirant for at least 50 percent of his, her, or their financial support, each parent shall receive a pension of an equal share of two-thirds of the deceased retirant's pension. Upon any parent's remarriage or death, his or her pension shall terminate.

4. In the event the deceased member does not leave a surviving spouse, children, or parents eligible to receive a pension, then the death benefit, if any, shall be paid to the estate of the deceased member.

In any of the above cases, the Board, in its discretion, may direct that the actuarial value of the monthly benefit be paid as a lump sum.

(18) Workers' compensation offset.—The pension benefits payable under this act shall not be offset by any workers' compensation benefits payable as a result of the disability or death of a member, except to the extent that the total of the pension benefit and workers' compensation benefit exceeds the member's average monthly wage.

(19) Member's contributions; refunds.—

(a) Member's contributions.—

1. The member shall contribute 7 percent of his or her salary to the Fund.

2. The City shall cause the contributions provided for in subparagraph 1. to be deducted from the compensation of each member on each payroll, for each pay period, so long as he or she remains a member of the Fund. The member's contributions provided for herein shall be made, notwithstanding that the minimum compensation provided by law for any member is thereby changed. Each member shall be deemed to consent and agree to the deductions made and provided for herein. Payment of compensation, less said deductions, shall be a full and complete discharge and acquittance of all claims and demands whatsoever for the services rendered by him or her during the period covered by such payment, except as to benefits provided by this act. When deducted, each of said contributions shall be paid into the Fund and credited to the individual member from whose compensation said deduction was made.

3. In addition to the contribution deducted from the compensation of a member, as hereinbefore provided, a member shall deposit in the Fund, by a single contribution or by an increased rate of contribution, as approved by the Board of Trustees, the amount of previously withdrawn member contributions not repaid to the Fund, together with regular interest from the date of withdrawal to the date of repayment. In no case shall any member be given credit for service rendered prior to the date he withdrew his aggregate contributions until he or she repays to the member's deposit account all amounts due the account by such member.

(b) Refund of member's contributions.—

1. Should any member cease to be employed by the City as a police officer and not be entitled to a pension payable from the Fund, upon

application to and approval by the Board, he or she shall be paid the aggregate contributions standing to his or her credit in the Fund, without interest, less any benefits paid to him or her. In accordance with paragraph (2)(q), a member who has ceased to be employed by the City as a police officer may elect to voluntarily leave his or her contributions in the member's deposit account for a period of up to 5 years, pending the possibility of being rehired by the Department. If the member is not reemployed at the expiration of 5 years following the date the member ceased to be employed by the City as a police officer, all contributions remaining in the member's deposit account shall be refunded without interest.

2. Upon the death of a member, if no pension becomes payable on account of his or her death, the aggregate contributions standing to the member's credit in the Fund at the time of death shall be paid to his or her designated beneficiary. If there be no such designated person surviving the member, his or her aggregate contributions shall be paid to his or her estate in accordance with subsection (17).

3. Payments of refunds of a member's aggregate contributions, as provided in this paragraph, may be made in monthly installments according to such rules and regulations as the Board of Trustees shall from time to time adopt.

(20) Sources of revenue.—

(a) Contributions credited to Fund.—The contributions to be credited to the Fund shall consist of, but shall not be limited to, the following sources of revenue:

1. Taxes of insurance companies.—The moneys returned to the City as provided by chapter 185, Florida Statutes, shall be used to fund the share account benefit described in subsection (11). The City shall not opt out of participation in chapter 185, Florida Statutes, or any similar statutory enactment unless exigent circumstances exist, such as the bankruptcy of the City or changes or amendments to the statute regarding extra benefits. If any statutory changes are made by the Legislature, the City and the Board shall renegotiate the impact of such changes, if necessary.

2. City contribution.—The City shall contribute to the Fund annually an amount which, together with the contributions from the members and the amount derived from the premium tax provided in chapter 185, Florida Statutes, and other income sources as authorized by law, shall be sufficient to meet the normal cost of the Fund and to fund the actuarial deficiency over a period of not more than 40 years, provided that the net increase, if any, in unfunded liability of the Fund arising from significant amendments or other changes shall be amortized within 30 plan years.

3. Member contributions.—As provided in subsection (19).

4. Gifts, etc.—All gifts, bequests, and devises when donated to the Fund.

5. Interest from deposits.—All accretions to the Fund by way of interest on bank deposits or otherwise.

6. Other sources.—All other sources of income now or hereafter authorized by law for the augmentation of the Fund.

(b) Actuarial valuations.—The Fund shall be actuarially evaluated at least once in each 3-year period.

(21) Investments.—

(a) The Board shall have the power and authority to invest and reinvest the moneys of the Fund and to hold, purchase, sell, assign, transfer, and dispose of any securities and investments held in the Fund, including the power and authority to employ counseling or investment management services. The aim of the investment policies shall be to preserve the integrity and security of Fund principal, to maintain a balanced investment portfolio, to maintain and enhance the value of the Fund principal, and to secure the maximum total return on investments that is consonant with safety of principal, provided that such investments and reinvestments shall be limited to the following:

1. Direct obligations of the United States Government or any agency thereof and any other evidences of indebtedness which are fully guaranteed by the United States Government or any agency thereof for the payments of principal and interest.

2. Direct obligations of the State of Florida.

3. Debt securities, preferred and common stocks and mutual fund shares subject to limitations set forth in this section.

4. Savings and loans associations, to the extent that deposits are guaranteed by the United States Government or any agency thereof.

Purchases of securities may include bonds or other evidence of indebtedness, preferred stocks, and common stocks. Operations shall be conducted on the basis of a balanced portfolio, the total thereof invested in preferred stocks shall not aggregate more than 5 percent, and the total amount thereof invested in common stocks and mutual funds shall not aggregate more than 70 percent of the Fund. Percentages shall be based on market value at the end of each reporting period (September 30). Investment experience producing a market value percent exceeding the stated limit does not arbitrarily mean assets are to be liquidated to satisfy the limit.

(b) Maximum uninvested cash; minimum investment standards.—No more than 10 percent of the assets of the Fund shall be held in cash or in noninterest-bearing deposits. The following minimum investment standards shall govern the eligibility for the purchase of securities:

1. All corporate and association securities and mutual funds shall be issued by a corporation or other legal person incorporated or otherwise organized within the United States and domiciled therein except as otherwise permitted by section 185.06, Florida Statutes.

2. Not more than 10 percent of the total fund principal at market value may be invested in any issuing company, other than United States Government or United States Government agency obligations.

3. All bonds, stocks, or other evidence of indebtedness shall be issued or guaranteed by a corporation organized under the laws of the United States, any state or organized territory of the United States, or the District of Columbia, provided that the corporation is listed on any one or more of the recognized national stock exchanges and, with regard to bonds only, holds a rating in one of the four highest classifications by a major rating service. Said bonds and preferred stocks that are convertible into common stocks shall be considered common stocks, and the purchase of same shall be limited by the provisions of subparagraph (a)5.

4. The Board shall be required to engage the services of professional investment counsel to assist and advise the Trustees in the performance of their duties.

(c) Restricted use of assets.—The assets of the Police Pension Fund shall be used only for the payment of benefits and other disbursements authorized by this act and shall be used for no other purpose.

(d) Performance evaluation and manager selection.—At least once every 3 years, the Board of Trustees shall retain an independent consultant professionally qualified to evaluate the performance of its professional money manager or investment counsel. The independent consultant shall make recommendations to the Board of Trustees regarding the selection of money managers for the next investment term. These recommendations shall be considered by the Board of Trustees at its next regularly scheduled meeting. The date, time, place, and subject of this meeting shall be advertised in a newspaper of general circulation in the municipality at least 10 days prior to the date of the hearing.

(e) Administrative expenses.—The administrative expenses of the Fund shall be paid by the Fund.

(22) Existing benefits continued.—This act, and any amendments hereto, shall not be construed to increase or decrease the benefits payable to, or on account of, any member who retired or died prior to October 1, 1987.

(23) Assignments prohibited.—The pensions or other benefits accrued or accruing to any person under the provisions of this act and the accumulated contributions and the cash securities in the Fund created under this act shall not be subject to execution or attachment or to any legal process whatsoever and shall be unassignable. However, pursuant to a court support order, the trustees may direct that retirement benefits be paid for alimony or child support in accordance with rules and regulations adopted by the Board of Trustees.

(24) Subrogation rights; loss of pension rights.—

(a) In the event a person becomes entitled to a pension or other benefits payable from the Fund as a result of an accident or injury caused by the act of a third party, the City shall be subrogated to the rights of the said person against such third person to the extent of the benefits which the City pays or becomes liable to pay hereunder.

(b) No person shall be entitled to a pension under this act who is convicted of a specified offense as provided in section 112.3173, Florida Statutes.

(25) Ordinances applicable.—All ordinances of the City applicable to chapter 185, Florida Statutes, are hereby made applicable to this act with equal force and effect. No proposed change or amendment to this act shall be adopted without the approval required by section 185.35(2), Florida Statutes.

(26) Review procedures.—

(a) The applicant for benefits under this act may, within 20 days after being informed of the denial of his or her request for pension benefits, appeal said denial by filing a reply to the proposed order with the pension's coordinator. If no appeal is filed within the time period specified, then the proposed order shall be final.

(b) The Board of Trustees shall hold a hearing within 45 days after the receipt of the appeal. Written notice of said hearing shall be sent by certified mail to the applicant 10 days prior to the hearing, at the address listed on the application.

(c) The procedures at the hearing shall be as follows:

1. All parties shall have an opportunity to respond, to present physical and testimonial evidence and argument on all issues involved, to conduct cross-examination, to submit rebuttal evidence, and to be represented by counsel. Medical reports and depositions may be accepted in lieu of live testimony, at the Board's discretion.

2. All witnesses shall be sworn.

3. The applicant and the Board shall have an opportunity to question all witnesses.

4. Formal rules of evidence and formal rules of civil procedure shall not apply. The proceedings shall comply with the essential requirements of due process and law.

5. The record in a case governed by this subsection shall consist only of:

a. A tape recording of the hearing, to be taped and maintained as part of the official files of the Board of Trustees by the pension's secretary.

b. Evidence received or considered.

c. All notices, pleadings, motions, and intermediate rulings.

d. Any decisions, opinions, proposed or recommended orders, or reports by the Board of Trustees.

(d) Within 5 days after the hearing, the Board shall take one of the following actions:

1. Grant the pension benefits by overturning the proposed order by majority vote.

2. Deny the benefits and approve the proposed order as a final order, after making any changes in the order that the Board feels is necessary.

(e) Findings of fact by the Board shall be based on competent, substantial evidence on the record.

(f) Within 20 calendar days after rendering its order, the Board of Trustees shall send by certified mail a copy of said order to the applicant.

(g) The applicant may seek review of the order of the Board of Trustees by filing a petition for writ of certiorari with the circuit court within 30 days.

(27) Lump sum payment of small retirement income.—Notwithstanding any provision of the Fund to the contrary, if the monthly retirement income payable to any person entitled to benefits hereunder is less than $30 or if the single sum value of the accrued retirement income is less than $5,000 as of the date of retirement or termination of service, whichever is applicable, the Board of Trustees, in the exercise of its discretion, may specify that the actuarial equivalent of such retirement income be paid in lump sum.

(28) Pickup of member contributions.—Effective the first day of the first full payroll period of the first calendar quarter following receipt of a favorable determination letter from the Internal Revenue Service, the City shall pick up the member contribution required by this section. The contributions so picked up shall be treated as employer contributions in determining tax treatment under the United States Internal Revenue Code. The City shall pick up the member contributions from funds established and available for salaries, which funds would otherwise have been designated as member contributions and paid to the Fund. Member contributions picked up by the City pursuant to this subsection shall be treated for purposes of making a refund of members' contributions, and for all other purposes of this and other laws, in the same manner and to the same extent as member contributions made prior to the effective date of this section. The intent of this section is to comply with s. 414(H)(2) of the Internal Revenue Code.

(29) Internal Revenue Code limits.—

(a) In no event may a member's annual benefit exceed $160,000 (adjusted for cost of living in accordance with s. 415(d) of the Internal Revenue Code).

(b) If a member has less than 10 years of service with the City, the applicable limitation in paragraph (a) shall be reduced by multiplying such limitation by a fraction, not to exceed 1. The numerator of such fraction shall be the number of years, or part thereof, of service with the City; the denominator shall be 10 years.

(c) For purposes of this subsection, "annual benefit" means a benefit payable annually in the form of a straight life annuity with no ancillary incidental benefits and with no member or rollover contributions. To the extent that ancillary benefits are provided, the limits set forth in paragraph (a) shall be reduced actuarially, using an interest rate assumption equal to the greater of 5 percent or the rate being used for actuarial equivalence, to reflect such ancillary benefits.

(d) If distribution of retirement benefits begins before age 62, the dollar limitation as described in paragraph (a) shall be reduced, using an interest rate assumption equal to the greater of 5 percent or the interest rate used for actuarial equivalence; however, retirement benefits shall not be reduced below $75,000 if payment of benefits begins at or after age 55 and not below the actuarial equivalent of $75,000 if payment of benefits begins before age 55. For a member with 15 or more years of service with the City, the reductions described above shall not reduce such member's benefit below $50,000 (adjusted for cost of living in accordance with s. 415(d) of the Internal Revenue Code, but only for the year in which such adjustment is effective). If retirement benefits begin after age 65, the dollar limitation of paragraph (a) shall be increased actuarially by using an interest assumption equal to the lesser of 5 percent or the rate used for actuarial equivalence.

(e) Compensation in excess of limitations set forth in s. 401(a)(17) of the Internal Revenue Code shall be disregarded. The limitation on compensation for an eligible employee shall not be less than the amount that was allowed to be taken into account hereunder as in effect on July 1, 1993. "Eligible employee" is an individual who was a member before the first plan year beginning after December 31, 1995.

(30) Required distributions.—

(a) In accordance with s. 401(a)(9) of the Internal Revenue Code, all benefits under this plan shall be distributed, beginning not later than the required beginning date set forth below, over a period not extending beyond the life expectancy of the police officers or the life expectancy of the police officer and a beneficiary designated in accordance with paragraph (9)(e).

(b) Any and all benefit payments shall begin by the later of:

1. April 1 of the calendar year following the calendar year of the member's retirement date; or

2. April 1 of the calendar year following the calendar year in which the member attains age 70-1/2.

(c) If an employee dies before his or her entire vested interest has been distributed to him or her, the remaining portion of such interest shall be distributed at least as rapidly as provided for under subsection (17).

(31)(a) Rollovers from qualified plans.—A member may roll over all or a part of his or her interest in another qualified plan to the Fund, provided all of the following requirements are met:

1. Some or all of the amount distributed from the other plan is rolled over to this plan no later than the 60th day after distribution was made from the Plan or, if distributions are made in installments, no later than the 60th day after the last distribution was made.

2. The amount rolled over to this Fund does not include any amount contributed by the member to the Plan on a posttax basis.

3. The rollover is made in cash.

4. The member certifies that the distribution is eligible for a rollover.

5. Any amount which the Trustees accept as a rollover to this Fund shall, along with any earnings allocated to them, be fully vested at all times.

A rollover may also be made to this Plan from an individual retirement account qualified under s. 408 of the Internal Revenue Code when the individual retirement account was merely used as a conduit for funds from another qualified plan and the rollover is made in accordance with the rules provided in subparagraphs 1.-5. Amounts rolled over may be segregated from other Fund assets. The trustees shall separately account for gains, losses, and administrative expenses of these rollovers as provided for in subsections (11) and (13). In addition, the Fund may accept the direct transfer of a member's benefits from another qualified retirement plan or an Internal Revenue Code section 457 plan. The Fund shall account for direct transfers in the same manner as a rollover and shall obtain certification from the member that the amounts are eligible for a rollover or direct transfer to this Fund.

(b) Transfer of accumulated leave.—

1. Members eligible to receive accumulated sick leave, accumulated vacation leave, or any other accumulated leave payable upon separation shall have the leave transferred to the Fund up to the amount permitted by law. Any additional amounts shall be paid directly to the member. Members on whose behalf leave has been transferred shall maintain the entire amount of the transferred leave balance in the DROP or Share Account.

2. If a member on whose behalf the City makes a transferred leave balance to the Plan dies after retirement or other separation, then any person who would have received a death benefit had the member died in service immediately prior to the date of retirement or other separation shall be entitled to receive an amount equal to the transferred leave balance in a lump sum. In the case of a surviving spouse or former spouse, an election may be made to transfer the leave balance to an eligible retirement plan in lieu of the lump sum payment. Failure to make such an election by the surviving spouse or former spouse within 60 days after the member's death shall be deemed an election to receive the lump sum payment.

3. The Board, by rule, shall prescribe the method for implementing the provisions of this paragraph.

4. Amounts transferred under this section shall remain invested in the Fund for a period of not less than 1 year.

(32) Rollover distributions.—

(a) This subsection applies to distributions made on or after January 1, 1993. Notwithstanding any provision of the Plan to the contrary that would otherwise limit a distributee's election under this subsection, a distributee may elect, at the time and in the manner prescribed by the Board of Trustees, to have any portion of an eligible rollover distribution paid directly to an eligible retirement plan specified by the distributee in a direct rollover.

(b) Definitions.—

1. "Eligible rollover distribution" is any distribution of all or any portion of the balance to the credit of the distributee, except that an eligible rollover does not include any distribution that is one of a series of substantially equal periodic payments (not less frequently than annually) made for the life (or life expectancy) of the distributee or the joint lives (or joint life expectancies) of the distributee and the distributee's designated beneficiary, or for a specified period of 10 years or more; any distribution to the extent such distribution is required under s. 401(a)(9) of the Internal Revenue Code; and the portion of any distribution that is not includable in gross income.

2. "Eligible retirement plan" is an individual retirement account described in s. 408(a) of the Internal Revenue Code, an individual retirement annuity described in s. 408(b) of the Internal Revenue Code, an annuity plan described in s. 403(a) of the Internal Revenue Code, or a qualified trust described in s. 401(a) of the Internal Revenue Code that accepts the distributee's eligible rollover distribution. However, in the case of an eligible rollover distribution to the surviving spouse, an "eligible retirement plan" is an individual retirement account or individual retirement annuity.

3. "Distributee" includes an employee or former employee. In addition, the employee's or former employee's surviving spouse and the employee's or former employee's spouse or former spouse who is entitled to payment for alimony and child support under a domestic relations order determined to be qualified by this Fund are distributees with regard to the interest of the spouse or former spouse.

4. "Direct rollover" is a payment by the Plan to the eligible retirement plan specified by the distributee.

(33) Miscellaneous requirements.—

(a) No benefit of any kind shall be payable from the assets of the Pension Fund unless specifically provided for in this act; however, the Board of Trustees, with the approval of the City, may grant ad hoc benefits after a public hearing and acceptance by the state of an actuarial impact statement submitted pursuant to part VII of chapter 112, Florida Statutes.

(b) The City may not offset any part of its required annual contribution by the Fund's assets except as determined in an actuarial valuation, the report for which is determined to be state accepted pursuant to part VII of chapter 112, Florida Statutes.

(c) All provisions of this act and operations of the Pension Fund shall be carried out in compliance with part VII of chapter 112, Florida Statutes.

(d)1. It is unlawful for a person to willfully and knowingly make, or cause to be made, or to assist, conspire with, or urge another to make, or cause to be made, any false, fraudulent, or misleading oral or written statement or to withhold or conceal material information to obtain any benefit under this Plan.

2.a. A person who violates subparagraph 1. commits a misdemeanor of the first degree, punishable as provided in section 775.082 or section 775.083, Florida Statutes.

b. In addition to any applicable criminal penalty, upon conviction for a violation described in subparagraph 1., a participant or beneficiary of this Plan may, in the discretion of the Board of Trustees, be required to forfeit the right to receive any or all benefits to which the person would otherwise be entitled under this Plan. For purposes of this sub-subparagraph, "conviction" means a determination of guilt that is the result of a plea or trial, regardless of whether adjudication is withheld.

(34) Actuarial assumptions.—The following actuarial assumptions shall be used for all purposes in connection with this Fund, effective October 1, 1999:

(a) The assumed investment rate of return shall be 8.25 percent.

(b) The period for amortizing current, future, and past actuarial gains or losses shall be 20 years.

The consequences of the change in assumptions in paragraphs (a) and (b) shall first take effect during the October 1, 1999-September 30, 2000, fiscal year of the City of West Palm Beach. To the extent that effective dates or legislative delays might influence the direct application to the October 1, 1999-September 30, 2000, fiscal year of the actuarial cost estimate dated March 24, 2000, there shall be a minimum contribution reserve established by the Pension Fund for the City of West Palm Beach. The reserve shall be credited with any amounts contributed to the Pension Fund by the City of West Palm Beach during the October 1, 1999-September 30, 2000, fiscal year in excess of $1,462,965. This amount has been determined by combining the contribution requirement from the September 30, 1998, actuarial valuation report dated May 7, 1999, with the subsequent actuarial cost estimate dated March 24, 2000, both of which were prepared by the Fund's actuary.

Section 2. *All special laws and parts of special laws, ordinances, or regulations insofar as they are in conflict or inconsistent with the provisions of this act be and the same are repealed.*

Section 3. This act shall take effect upon becoming a law.

Rep. Atwater moved the adoption of the amendment, which was adopted.

On motion by Rep. Atwater, the rules were waived and HB 973, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 899

Yeas—112

The Chair	Bullard	Haridopolos	Mack
Alexander	Byrd	Harper	Mahon
Allen	Cantens	Harrell	Mayfield
Andrews	Carassas	Harrington	Maygarden
Argenziano	Clarke	Hart	McGriff
Arza	Cusack	Henriquez	Meadows
Attkisson	Davis	Heyman	Mealor
Atwater	Detert	Hogan	Melvin
Ausley	Diaz de la Portilla	Holloway	Murman
Baker	Dockery	Jennings	Needelman
Ball	Evers	Johnson	Negron
Barreiro	Farkas	Jordan	Paul
Baxley	Fasano	Joyner	Peterman
Bean	Feeney	Kallinger	Pickens
Bendross-Mindingall	Fields	Kendrick	Prieguez
Bennett	Fiorentino	Kilmer	Rich
Bense	Frankel	Kosmas	Richardson
Benson	Gannon	Kottkamp	Ritter
Berfield	Garcia	Kravitz	Romeo
Betancourt	Gardiner	Kyle	Ross
Bilirakis	Gelber	Lacasa	Russell
Bowen	Gibson	Lee	Ryan
Brown	Goodlette	Lerner	Seiler
Brummer	Gottlieb	Littlefield	Simmons
Brutus	Green	Lynn	Smith
Bucher	Greenstein	Machek	Sorensen
Spratt	Trovillion	Weissman	Wilson
Stansel	Waters	Wiles	Wishner

Nays—None

Votes after roll call:
Yeas—Flanagan, Siplin, Slosberg

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

HB 975—A bill to be entitled An act relating to the City of West Palm Beach, Palm Beach County, relating to the West Palm Beach Firefighters Pension Fund; amending and readopting section 17 of chapter 24981, Laws of Florida, 1947, as amended; providing for the creation of the fund; providing for professional and clerical services; providing for sources of revenue; providing for custodian of funds; providing for service pensions; providing for disability pensions, medical examinations, and return to work; providing for beneficiary benefits; providing that acceptance of pension is no bar to subsequent work; providing that pension is not assignable or subject to garnishment; providing for transfer of funds; providing for ordinances applicable; providing for existing benefits to continue; providing for workers' compensation offset; providing for actuarial valuations; providing for review procedures; providing for lump sum payments of small retirement income; providing for pickup of employee contributions; providing for Internal Revenue Code limits; providing for required distributions; providing for miscellaneous requirements; providing for rollover provisions; providing for rollovers from qualified plans; providing for actuarial assumptions; providing for addition of prior firefighter service; repealing all laws in conflict herewith; providing an effective date.

—was read the second time by title.

The Committee on Local Government & Veterans Affairs offered the following:

(Amendment Bar Code: 754887)

Amendment 1—
Remove everything after the enacting clause

and insert:

Section 1. Section 17 of chapter 24981, Laws of Florida, 1947, as amended, is amended and readopted to read:

(Substantial rewording of section. See ch. 93-374, Laws of Florida, as amended by chapters 95-476, 96-527, 97-327, 99-456, and 2000-409, Laws of Florida, for present text.)

Section 17. West Palm Beach Firefighters Pension Fund.—

(1) Creation of fund.—There is hereby created a special fund for the Fire Department of the City of West Palm Beach to be known as the West Palm Beach Firefighters Pension Fund. All assets of every description held in the name of the West Palm Beach Firemen's Relief and Pension Fund and in the name of the West Palm Beach Firefighters Pension Fund have been and shall continue to be combined.

(a) Definitions.—The following words or phrases, as used in this act, shall have the following meanings, unless a different meaning is clearly indicated by the context:

1. "Actuarial equivalent value," "actuarial equivalence," or "single sum value" means the stated determination using an interest rate of 8.25 percent per year and the 1983 Group Annuity Mortality Table for males.

2. "Beneficiary" means any person who is not at retirement but who is entitled to receive a benefit from the West Palm Beach Firefighters Pension Fund or the West Palm Beach Firemen's Relief and Pension Fund, as applicable.

3. "Board of Trustees" or "Board" means the Board of Trustees provided for in this act.

4. "City" means the City of West Palm Beach, Florida.

5. "Department" means the Fire Department of the City.

6. "Enrolled actuary" means an actuary who is enrolled under Subtitle C of Title III of the Employee Retirement Income Security Act of 1974 and who is a member of the Society of Actuaries or the American Academy of Actuaries.

7. "Final average salary" means the average of the monthly salary paid a member in the 3 best years of employment.

8. "Firefighter" means any person employed in the Department who is certified as a firefighter as a condition of employment in accordance with the provisions of section 633.35, Florida Statutes.

9. "Fund" or "Pension Fund" means the West Palm Beach Firefighters Pension Fund or the West Palm Beach Firemen's Relief and Pension Fund, as applicable.

10. "Member" means any person who is included in the membership of the Fund in accordance with paragraph (h).

11. "Pension" means a monthly amount payable from the Fund throughout the future life of a person, or for a limited period of time, as provided in this act.

12. "Qualified health professional" means a person duly and regularly engaged in the practice of his or her profession who holds a professional degree from a university or college and has had special professional training or skill regarding the physical or mental condition, disability, or lack thereof, upon which he or she is to present evidence to the Board.

13. "Qualified public depository" means any bank or savings association organized and existing under the laws of Florida and any bank or savings association organized under the laws of the United States that has its principal place of business in Florida, or has a branch office which is authorized under the laws of Florida or the United States to receive deposits in Florida, that meets all of the requirements of chapter 280, Florida Statutes, and that has been designated by the Treasurer of the State of Florida as a qualified public depository.

14. "Retirant" or "retiree" means any member who retires with a pension payable from the Fund.

15. "Retirement" means a member's withdrawal from City employment with a pension payable from the Fund.

16. "Salary" means:

a. The fixed monthly compensation paid to a firefighter and shall include those items that have been included as compensation in accordance with past practice. However, the term shall not be construed to include lump sum payments for accumulated leave.

b. On and after October 1, 2001, "salary," for the purpose of pension contributions, shall be defined as payments made to a firefighter by the City for: regular hours worked; step-up pay; longevity pay; all authorized leave time, which includes compensatory time used, earned personal leave used, emergency leave used, sick leave used, sick leave pay bank used, vacation time used, holiday time used, emergency leave, bereavement leave, and administrative leave; certification pay, which includes paramedic, hazardous material technician, special operations, dive rescue, fire service instructor, fire inspector, and SWAT certification pay; fire inspector standby pay; educational bonus incentive; pay received from the City during military training; and sick leave conversion when such leave is converted during the course of active employment. The definition of "salary" specifically excludes any lump sum payments for accumulated leave such as that received upon final payoff. Employees who are specifically excluded from bargaining unit recognition as set forth in Article 2, but who are members of the West Palm Beach Firefighters Pension Fund, shall continue to make contributions on management incentive benefits. This definition of compensation shall not include any duty employment that is performed for other than the City of West Palm Beach per Article 31, Salary Plan.

17. "Service," "credited service," or "service credit" means the total number of years, and fractional parts of years, of employment of any member in the employ of the Department, omitting intervening years and fractional parts of years of service when the member was not employed by the City. However, no member shall receive credit for years, or fractional parts of years, of service for which the member has withdrawn his or her contributions to the Fund, unless the member repays into the Fund the contributions withdrawn, with interest, within 60 months after reemployment. Further, a member may voluntarily leave his or her contributions in the Fund for a period of 5 years after leaving the employ of the Department, pending the possibility of his or her being rehired by the Department and remaining employed for a period of not less than 3 years, without losing credit for the time he or she has participated actively as a firefighter. If he or she does not remain employed for a period of at least 3 years as a firefighter with the Department upon reemployment, within 5 years his or her contributions shall be returned without interest in accordance with paragraph (5)(i). In determining the aggregate number of years of service of any member, the time spent in the military service of the United States or United States Merchant Marine by the member on leave of absence from the Department for such reason shall be added to the years of service, provided such time shall not exceed 5 years. Further, to receive credit for such service the member must return to employment as a firefighter of the City within 1 year after the date of release from such active service.

(b) Gender and number.—The masculine gender includes the feminine, and words of the singular with respect to persons shall include the plural and vice versa.

(c) Board of Trustees created.—There is hereby created a Board of Trustees, which shall be solely responsible for administering the West Palm Beach Firefighters Pension Fund and the West Palm Beach Firemen's Relief and Pension Fund. The Board shall be a legal entity, with the power to bring and defend lawsuits of every kind, nature, and description, and shall be independent of the City to the extent required to accomplish the intent, requirements, and responsibilities provided for in this act and applicable law. The Board shall consist of five trustees, as follows:

1. Two legal residents of the City, who shall be appointed by the City. Each resident-trustee shall serve as a trustee for a period of 2 years, unless sooner replaced by the City, at whose pleasure he or she shall serve, and may succeed himself or herself as trustee.

2. Two full-time firefighters shall be elected by a majority of the firefighters who are members of the Fund. Elections shall be held under such reasonable rules and regulations as the Board shall from time to time adopt. Each member-trustee shall serve as a trustee for a period of 2 years, unless he or she sooner ceases to be a firefighter in the employ of the Department, whereupon the members shall choose a successor in the same manner as the original appointment. Each member-trustee may succeed himself or herself as trustee.

3. A fifth trustee shall be chosen by a majority of the other four trustees. This fifth person's name shall be submitted to the City, which shall, as a ministerial duty, appoint such person to the Board as a fifth trustee. The fifth person shall serve as trustee for a period of 2 years, and may succeed himself or herself as trustee.

(d) Board vacancy; how filled.—In the event a trustee provided for in subparagraph (c)2. ceases to be a firefighter in the employ of the Department, such trustee shall be considered to have resigned from the Board. In the event a trustee provided for in subparagraph (c)2. shall resign, be removed, or become ineligible to serve as a trustee, the Board shall, by resolution, declare the office of trustee vacated as of the date of adoption of said resolution. If such a vacancy occurs in the office of trustee within 90 days of the next succeeding election for trustee, the vacancy shall be filled at the next regular election for the next term; otherwise, the vacancy shall be filled for the unexpired portion of the term by the members in the same manner as an original appointment. In the event a trustee provided for in subparagraph (c)1. or subparagraph (c)3. shall resign, be removed, or become ineligible to serve as a trustee, the Board shall, by resolution, declare the office of trustee vacated as of the date of adoption of said resolution. A successor for the unexpired portion

of the term shall be chosen in the same manner as an original appointment.

(e) Board meetings; quorum; procedures.—The Board shall hold meetings regularly, at least once in each quarter year, and shall designate the time and place thereof. At any meeting of the Board, three trustees shall constitute a quorum. Each trustee shall be entitled to one vote on each question before the Board and at least three concurring votes shall be required for a decision by the Board at any of its meetings. The Board shall adopt its own rules of procedure and shall keep a record of its proceedings. All public records of the Fund shall be kept and maintained as required by law. All meetings of the Board shall be open to the public and shall be held as required by law.

(f) Board chair.—The Board shall elect a chair from among the trustees.

(g) Board secretary.—The Board shall elect a secretary from among the trustees. The secretary shall keep a complete minute book of the actions, proceedings, and hearings of the Board.

(h) Membership.—All firefighters and all who hold a position of firefighter in the employ of the Department shall be members in the Fund. All firefighters, including the chief, who were in the employ of the Department as of April 30, 1959, shall be given credit for service rendered in the employ of the Department prior to May 1, 1959. New members to the Fund are required to undergo a physical examination for purposes of determining preexisting conditions. This physical examination shall be conducted in conjunction with the City's postoffer, preemployment physical examination. The Board's medical director shall review the results of this physical examination and provide notice to the Board and the member of any abnormal findings of the examination. This physical examination will be used for the purposes of establishing a physical profile of the member for determining preexisting conditions and presumptive illnesses as provided for in subsection (6). After review, if further physical examination is required, such examination shall be conducted at Board expense.

(i) Compensation.—The trustees of the Fund shall not receive any compensation for their services as such, but may receive expenses and per diem as provided by law.

(2) Professional and clerical services.—

(a) Pension administrator.—The pension administrator of the Fund shall be designated by the Board and shall carry out its orders and directions.

(b) Legal counsel.—The City Attorney shall give advice to the Board in all matters pertaining to its duties in the administration of the Fund whenever requested, shall represent and defend the Board as its attorney in all suits and actions at law or in equity that may be brought against it, and shall bring all suits and actions in its behalf that may be required or determined by the Board. However, if the Board so elects, it may employ independent legal counsel at the Fund's expense for the purposes set forth in this act.

(c) Actuary.—The Board shall designate an enrolled actuary, who shall be its technical advisor and who shall perform such actuarial services as are required.

(d) Certified public accountant.—The Board shall employ, at its expense, a certified public accountant to conduct an independent audit of the Fund. The certified public accountant shall be independent of the Board and the City.

(e) Additional professional, technical, or other services.—The Board shall have the authority to employ such professional, technical, or other advisors as required to carry out the provisions of this act.

(3) Sources of revenue.—The financing of the Fund shall consist of the following sources of revenue:

(a) Taxes of insurance companies.—The moneys returned to the City as provided by chapter 175, Florida Statutes, shall be used to fund the share account benefit described in paragraph (5)(j). The City shall not opt out of participation in chapter 175, Florida Statutes, or any similar statutory enactment unless exigent circumstances exist, such as the bankruptcy of the City or changes or amendments to the statute regarding extra benefits by the Legislature. If any statutory changes are made by the Legislature, the City and the Board may renegotiate the impact of such changes, if necessary.

(b) Member contributions.—The member shall contribute 6.45 percent of his or her salary to the Fund, which shall be deducted each pay period from the salary of each member in the Department. Effective the first full payroll period after January 1, 2002, the member shall contribute 7.85 percent of his or her salary to the Fund, which shall be deducted each pay period from the salary of each member in the Department. Effective the first full payroll period after October 1, 2002, the member shall contribute 8.85 percent of his or her salary to the Fund, which shall be deducted each pay period from the salary of each member in the Department. Effective the first full payroll period after October 1, 2003, the member shall contribute 9.85 percent of his or her salary to the Fund, which shall be deducted each pay period from the salary of each member in the Department. The contribution increase over 6.85 percent is to be used to purchase eligibility for participation in the postretirement health insurance benefits.

(c) City contributions.—The City shall contribute to the Fund annually an amount which, together with the contributions from the members and other income sources as authorized by law, will be sufficient to meet the normal cost of the Fund and to fund the actuarial deficiency over a period of not more than 40 years, provided that the net increase, if any, in unfunded liability of the Fund arising from significant amendments or other changes shall be amortized within 30 plan years.

(d) Gifts, etc.—All gifts, bequests, and devises when donated for the Fund.

(e) Interest from deposits.—All accretions to the Fund by way of interest or dividends on bank deposits or otherwise.

(f) Other sources.—All other sources of income now or hereafter authorized by law for the augmentation of the Fund.

(4) Custodian of funds.—All moneys and securities of the Fund may be deposited with the cash management coordinator of the City, acting in a ministerial capacity only, who shall be bonded and shall be liable in the same manner and to the same extent as he or she is liable for the safekeeping of funds for the City. However, any funds and securities so deposited with the cash management coordinator shall be kept in a separate fund by the cash management coordinator or clearly identified as funds and securities of the Fund. In lieu thereof, the Board shall deposit the funds and securities in a qualified public depository designated by the Board. The cash management coordinator or other depository shall receive all moneys due said Fund from all sources whatsoever. All tax revenue received pursuant to the provisions of chapter 175, Florida Statutes, shall be deposited into the Fund no more than 5 days after receipt. Member contributions withheld by the City on behalf of a member shall be deposited into the Fund immediately.

(a) Disbursements from the Fund.—The Board may issue drafts upon the Fund pursuant to this act and rules and regulations prescribed by the Board, provided that such drafts shall be issued in accordance with generally accepted accounting procedures, American Institute of Certified Public Accountants guidelines, and rules of the State of Florida Auditor General. All such drafts shall be consecutively numbered, signed by the chair and secretary, and each draft shall, upon its face, state the purpose for which it is drawn. For this purpose, the chair and secretary shall be bonded. The Board shall retain such drafts when paid, as permanent vouchers for disbursements made, and no moneys shall be otherwise drawn from the Fund. Payments from the Fund shall be made only upon a specific or general motion or resolution previously adopted by the Board authorizing such payment or payments.

(b) Investment of moneys.—The Board shall have the power and authority to invest and reinvest the moneys of the Fund, and to hold, purchase, sell, assign, transfer, and dispose of any securities and

investments held in said Fund. The aim of the investment policies shall be to preserve the integrity and security of Fund principal, to maintain a balanced investment portfolio, to maintain and enhance the value of Fund principal, and to secure the maximum total return on investments that is consonant with safety of principal, provided that such investments and reinvestments shall be limited to the following:

1. Direct obligations of the United States Government or any agency thereof and debentures and other evidences of indebtedness which are fully guaranteed by the United States Government or any agency thereof for the payment of principal and interest.

2. Direct obligations of the State of Florida.

3. In debt securities, preferred and common stocks and mutual fund shares subject to the limitations set forth in this section.

4. In time or savings accounts of a national bank, a state bank insured by the Bank Insurance Fund, a savings and loan association to the extent that deposits are guaranteed by the Savings Association Insurance Fund which is administered by the Federal Deposit Insurance Corporation, or a state or federally chartered credit union whose share accounts are insured by the National Credit Union Share Insurance Fund.

5. Of the total Fund principal in the pension or retirement system, including the amounts deposited in banks or associations, the total thereof invested in preferred stocks shall not aggregate more than 5 percent, and the total amount thereof invested in common stocks and mutual fund shares shall not aggregate more than 70 percent. Percentages shall be based on market value at the end of each reporting period (September 30).

6. The following minimum standards shall govern the eligibility of securities for purchase as investments:

a. All corporate and association securities and mutual fund shares shall be issued by a corporation or other legal person incorporated or otherwise organized within the United States and domiciled therein to the extent required by section 175.071(1)(b), Florida Statutes.

b. Not more than 10 percent of the total fund principal at market value shall be invested in any one issuing company other than obligations of the United States or an agency thereof.

c. All bonds, stocks, or other evidence of indebtedness issued or guaranteed by a corporation shall be listed on any one or more of the recognized national stock exchanges and, in the case of bonds only, shall hold a rating in one of the four highest classifications by a major rating service. Said bonds and preferred stocks that are convertible into common stocks shall be considered common stocks and the purchase of same shall be limited by the provisions of subparagraph 5.

d. The Board shall engage the services of professional investment counsel to assist and advise the trustees in the performance of their duties.

e. At least once every 3 years, the Board shall retain an independent consultant professionally qualified to evaluate the performance of its professional money manager or investment counsel. The independent consultant shall make recommendations to the Board at its next regularly scheduled meeting.

(c) Maximum of cash not invested.—No more than 10 percent of the assets of the Fund shall be held in cash or in noninterest-bearing deposits.

(d) Administrative expenses.—The administrative expenses of the Fund shall be paid by the Fund.

(e) Restrictions on the use of assets of Fund.—The assets of the Fund shall be used only for the payment of benefits and other disbursements authorized by this act and shall be used for no other purpose.

(5) Service pension.—

(a) Normal retirement.—

1. Any member whose entry or reentry in the employment of the Department occurs after April 30, 1959, who has attained age 50 years and who has acquired 15 or more years of service credit or, effective for retirements after January 20, 2002, has 25 years of service credit without regard to age shall, upon application filed with the Board, be retired and shall be entitled to a monthly pension for the remainder of his or her life equal to the greater of the following, as applicable:

a. For a member who is actively employed by the Department on or after October 1, 1998, or who is part of the DROP on or after October 1, 1998, 3 percent of his or her final average salary multiplied by the number of years, and fraction of a year, of service credit earned from and after October 1, 1982, plus 2-1/2 percent of his or her final average salary multiplied by the number of years, and fraction of a year, of service credit earned prior to October 1, 1982, provided that in no case shall the total monthly pension payable to any such member exceed 78 percent of his or her final average salary;

b. For members who terminated employment, retired, or entered the DROP prior to October 1, 1998, except as provided in sub-subparagraph a., 2-1/2 percent of his or her final average salary multiplied by the number of years, and fraction of a year, of service credit, provided that in no case shall the total monthly pension payable to any member exceed 65 percent of his or her final average salary; or

c. The sum of the following:

(I) Two and one-half percent of final average salary multiplied by the number of years, and fraction of a year, of service credit to a maximum of 26 years of service, and 2 percent of his or her final average salary multiplied by the number of years, and fraction of a year, in excess of 26 years of service, for all years of service earned through September 30, 1988; and

(II) Two percent of final average salary multiplied by the number of years, and fraction of a year, of service credit earned on and after October 1, 1988.

2. Any member whose entry or reentry in the employment of the Department occurs after April 30, 1959, and prior to July 1, 1977, may elect upon his or her retirement to receive a pension under the provisions of this subparagraph in lieu of subparagraph 1., as follows: Any member who has attained age 55 years and who has acquired 20 or more years of service credit shall, upon his or her application filed with the Board, be retired and, when so retired, shall be entitled to a monthly pension for the remainder of his or her life equal to the greater of the following:

a. Two percent of final average salary multiplied by the number of years, or fraction of a year, of service credit not to exceed 25 years, provided that in no case shall the total monthly pension payable to any member exceed 65 percent of his or her final average salary; or

b. The sum of the following:

(I) Two and one-half percent of final average salary multiplied by the number of years, and fraction of a year, of service credit to a maximum of 26 years of service, and 2 percent of final average salary multiplied by the number of years and fraction of a year in excess of 26 years of service, for all years of service earned through September 30, 1988; and

(II) Two percent of final average salary multiplied by the number of years, and fraction of a year, of service credit earned on and after October 1, 1988.

The 3-percent benefit accrual factor in sub-subparagraph 1.a. is contingent on and subject to the adoption and maintenance of the assumptions set forth in subsection (22). If such assumptions are modified by legislative, judicial, or administrative agency action, and the modification results in increased City contributions to the Pension Fund, the 3-percent accrual factor in sub-subparagraph 1.a. shall be automatically decreased prospectively, from the date of the action, to completely offset the increase in City contributions. However, in no event shall the benefit accrual factor in sub-subparagraph 1.a. be adjusted below 2.5 percent. To the extent that the benefit accrual factor is less than 3 percent, the supplemental pension distribution calculation under

paragraph (d) shall be adjusted for employees who retire on or after October 1, 1998, and those employees who were members of the DROP on October 1, 1998. The adjustment shall be to decrease the minimum return of 8.25 percent needed to afford the supplemental pension distribution, when the amount of the reduction is zero if an employee has been credited with 16 or more years with the 3-percent benefit accrual factor or 1.25 percent if an employee has been credited with no more than a 2.5-percent benefit accrual factor. If an employee has been credited with less than 16 years at the 3-percent benefit accrual factor, then the accumulated amount over 2.5 percent for each year of service divided by .5 percent divided by 16 subtracted from 1 multiplied by 1.25 percent is the reduction from 8.25 percent. An example of the calculation of the minimum return for supplemental pension distribution as described above is set forth in Appendix B to the collective bargaining agreement between the City of West Palm Beach and the West Palm Beach Association of Firefighters, Local 727-IAFF, October 1, 1998-September 30, 2001.

(b) Vested deferred retirement.—A member who leaves the employ of the Department with 10 or more years of credited service who is not eligible for any other retirement benefit under this act shall be entitled to the applicable pension provided for in paragraph (a) or paragraph (c). Payment of this pension shall begin the first day of the calendar month following the month in which the member's application is filed with and accepted by the Board on or after attainment of age 50 years. If applicable, the amount of the pension shall be determined in accordance with paragraph (c).

(c) Early retirement.—Any member may retire from the service of the Department as of the first day of any calendar month which is prior to the member's normal retirement date but subsequent to the date as of which the member has both attained the age of 50 and has been a member of this Fund for 10 continuous years. In the event of early retirement, the monthly amount of retirement income shall be computed as described in paragraph (a), taking into account his or her credited service to the date of actual retirement and his or her final average salary as of such date. The amount of retirement income shall be actuarially reduced to take into account the member's younger age and earlier commencement of retirement income benefits. The early retirement reduction shall be 3 percent for each year by which the member's age at retirement preceded the member's normal retirement age.

(d) Supplemental pension distribution.—

1.a. The actuary for the Pension Fund shall determine the rate of investment return earned on Pension Fund assets during the 12-month period ending each September 30. The rate determined shall be the rate reported in the most recent actuarial report submitted pursuant to part VII of chapter 112, Florida Statutes.

b. The actuary for the Pension Fund shall determine the actuarial present value, as of September 30, of future pension payments to eligible persons, as described in subparagraph 3., who are then being paid a pension. The actuarial present values shall be calculated using an interest rate of 7 percent per year compounded yearly and a mortality table as approved by the Board of Trustees and as used in the most recent actuarial report submitted pursuant to part VII of chapter 112, Florida Statutes.

c. A distribution amount shall be determined as of each September 30. For distributions made after October 1, 1998, there shall be two different calculations to determine the distribution amount. For those employees who retire on or after October 1, 1998, or who are part of the DROP on or after October 1, 1998, the distribution amount shall be equal to factor (i) for each applicable member multiplied by the sum of factor (ii) and the positive difference, if any, between factor (iii) and 8.25 percent. For those employees who have retired before October 1, 1998, except as provided in this sub-subparagraph, the distribution amount shall be equal to factor (i) for each applicable member multiplied by the sum of factor (ii) and the positive difference, if any, between factor (iii) and 7 percent. For purposes of both calculations, factor (i) is the actuarial present value determined in sub-subparagraph 1.b. for the respective group. Factor (ii) is one-half of the investment return rate in sub-subparagraph 1.a. in excess of 9 percent. Factor (iii) is the rate of investment return in sub-subparagraph 1.a., not to exceed 9 percent. The distribution amount shall not exceed accumulated net actuarial experience from all pension liabilities and assets. If the net actuarial experience is favorable, cumulatively, commencing with the experience for the year ended September 30, 1985, after offset for all prior supplemental distributions, the supplemental distribution may be made. If the net actuarial experience is unfavorable, cumulatively, commencing with the experience for the year ended September 30, 1985, after offset for all prior supplemental distributions, no supplemental distribution may be made, and the City must amortize the loss until it is offset by cumulative favorable experience.

If an actuarial report submitted as provided in this paragraph is not state accepted prior to distribution, and if a deficiency to the Pension Fund results, the deficiency shall be made up from the next available supplemental pension distribution, unless sooner made up by agreement between the Board of Trustees and the City. No such deficiency shall be permitted to continue for a period of greater than 3 years from the date of payment of the supplemental pension distribution which resulted in the deficiency.

2. The Board of Trustees shall determine annually if there is to be a supplemental pension distribution. The supplemental pension distribution is that portion of the distribution amount, as defined in sub-subparagraph 1.c., to be distributed to eligible persons.

3. Eligible persons are:

a. Pensioners.

b. Surviving spouses.

c. Surviving dependent children.

d. Surviving dependent parents.

e. Pensioners' estates for the year following death only.

Eligible persons are initially eligible if they have been in receipt of a pension for at least 1 year on the first distribution date following their retirement. A survivor beneficiary of a deceased retired member shall be considered to have been in receipt of a pension for at least 1 year if at least 12 monthly pension payments have been made on account of the retirement. A surviving spouse may count the retirement period, if any, of the deceased member toward the 1-year requirement. Surviving spouses, children, and parents and retired members who receive pension adjustments under the prior escalator clause are not eligible for the supplemental pension distribution.

4. The supplemental pension distribution dates shall be the April 1 following the effective date of this subsection and each April 1 thereafter. Each eligible person shall be paid his or her allocated portion of the applicable supplemental pension distribution amount from the preceding September 30. A pensioner's estate is entitled to a pro rata share of the deceased retiree's supplemental pension distribution based on the number of months that the deceased retiree received a pension during the year ending the September 30 prior to the pensioner's death after initial eligibility.

5. Each supplemental pension distribution amount shall be allocated among the eligible persons in the proportion that an eligible person's supplemental pension distribution points bears to the aggregate amount of supplemental pension distribution points of all eligible persons. An eligible person shall be credited with supplemental pension distribution points as follows:

a. Three and eighty-five hundredths of a point multiplied by the service credit of the member at the time of retirement or prior to death; however, in the computation of the supplemental pension distribution due the in-line-of-duty pensioner, the maximum service credit of 26 years shall be used.

b. Maximum service credit shall be 26 years.

c. Allocations for surviving spouses and surviving dependent children who are eligible to receive supplemental pension distributions

shall be 75 percent of the years of service earned by the pensioner. Allocations for duty death beneficiaries (surviving spouse and surviving children) shall be based upon 75 percent of 26 years of service.

(e) Payment of benefits.—

1. First payment.—Service pensions shall be payable on the first day of each month. The first payment shall be payable on the first day of the month coincident with or next following the date of retirement, or death, provided the member has completed the applicable age and service requirements.

2. Last payment.—The last payment shall be the payment due next preceding the member's death, except that payments shall be continued to the designated beneficiary or beneficiaries if a 10-year certain benefit, a joint and survivor option, or beneficiary benefits, as applicable, are payable.

(f) Normal form of retirement income.—

1. Married member.—The normal form of retirement benefit for a married member or for a member with a dependent child or children or parent or parents shall be a service pension and beneficiary benefits. The service benefit shall provide monthly payments for the life of the member. Thereafter, beneficiary benefits shall be paid as provided in subsection (7).

2. Unmarried member.—The normal form of retirement benefit for an unmarried member without a dependent child or children or parent or parents shall be a 10-year certain benefit. This benefit shall pay monthly benefits for the member's lifetime. In the event the member dies after his or her retirement but before receiving retirement benefits for a period of 10 years, the same monthly benefit shall be paid to the beneficiary or beneficiaries as designated by the member for the balance of such 10-year period or, if no beneficiary is designated, to heirs at law, or estate of the member, as provided in section 175.181, Florida Statutes.

(g) Optional forms of retirement income.—

1.a. In the event of normal, early, or disability retirement, in lieu of the normal form of retirement income payable as specified in paragraph (a), paragraph (b), paragraph (c), or subsection (6) and in lieu of the beneficiary benefits as specified in subsection (7), a member, upon written request to the Board and subject to the approval of the Board, may elect to receive a retirement income of equivalent actuarial value payable in accordance with one of the following options:

(I) Lifetime option.—A retirement income of a larger monthly amount, payable to the member for his or her lifetime only.

(II) Joint and survivor option.—A retirement income of a modified monthly amount, payable to the member during the joint lifetime of the member and a dependent joint pensioner designated by the member, and following the death of either of them, 100 percent, 75 percent, 66-2/3 percent, or 50 percent of such monthly amounts, payable to the survivor for the lifetime of the survivor.

b. The member, upon electing any option of this paragraph, shall designate the joint pensioner or beneficiary or beneficiaries to receive the benefit, if any, payable in the event of his or her death, and will have the power to change such designation from time to time; but any such change shall be deemed a new election and shall be subject to approval by the Board. Such designation shall name a joint pensioner or one or more primary beneficiaries where applicable. If a member has elected an option with a joint pensioner or beneficiary and his or her retirement income benefits have commenced, he or she may thereafter change the designated joint pensioner or beneficiary only twice.

c. The consent of a member's joint pensioner or beneficiary to any such change shall not be required. However, the spouse of a married member must consent to any election to waive a joint and survivor benefit by signing the election form before a notary public. The spouse's written consent must acknowledge the effect of such a waiver. Consent of the spouse shall not be required if the spouse cannot be located, or for such other circumstances as may be prescribed by the Secretary of the Treasury of the United States. Any consent by a spouse shall be effective only with respect to such spouse.

d. The Board may request such evidence of the good health of the joint pensioner that is being added as it may require; and the amount of the retirement income payable to the member upon the designation of a new joint pensioner shall be actuarially redetermined, taking into account the age and sex of the former joint pensioner, the new joint pensioner, and the member. Each such designation shall be filed with the Board. In the event that no designated beneficiary survives the member, such benefits as are payable in the event of the death of the member subsequent to his or her retirement shall be paid as provided in subparagraph (h)2.

2. Retirement income payments shall be made under the option elected in accordance with the provisions of this paragraph and shall be subject to the following limitations:

a. If a member dies prior to his or her normal retirement date or early retirement date, whichever first occurs, retirement benefits shall be paid in accordance with subsection (7).

b. If the designated beneficiary or beneficiaries or joint pensioner dies before the member's retirement, the option elected shall be canceled automatically and a retirement income of the normal form and amount shall be payable to the member upon the member's retirement as if the election has not been made, unless a new election is made in accordance with the provisions of this paragraph or a new beneficiary is designated by the member prior to retirement.

c. If a member continues in the employ of the Department after meeting the age and service requirements set forth in paragraph (a) or paragraph (c) and dies prior to the member's actual retirement, and while an option made pursuant to this subparagraph is in effect, monthly retirement income payments shall be paid, under the option, to a beneficiary or beneficiaries designated by the member in the amount or amounts computed as if the member has retired under the option on the date on which the member's death occurred.

3. No member may make any change in his or her retirement option after the date of cashing or depositing the first retirement check.

(h) Designation of beneficiary.—

1. Each member may, on a form provided for that purpose, signed and filed with the Board, designate a beneficiary or beneficiaries to receive the benefit, if any, which may be payable in the event of the member's death; and each designation may be revoked by such member by signing and filing with the Board a new designation of beneficiary form. However, after the benefits have commenced, a retirant may change his or her designation of joint annuitant or beneficiary only twice. If the retirant desires to change his or her joint annuitant or beneficiary, the retirant shall file with the Board a notarized notice of such change either by registered letter or on a form as provided by the Board. Upon receipt of a completed change of joint annuitant form or such other notice, the Board shall adjust the member's monthly benefit by the application of actuarial tables and calculations developed to ensure that the benefit paid is the actuarial equivalent of the present value of the member's current benefit.

2. Absence or death of beneficiary.—If a deceased member fails to name a beneficiary in the manner prescribed in subparagraph 1., or if the beneficiary or beneficiaries named by a deceased member predecease the member, the beneficiary benefits, if any, which may be payable with respect to such deceased member may be paid, in the discretion of the Board to:

a. The spouse or dependent child or children of the member;

b. The dependent living parent or parents of the member; or

c. The estate of the member.

(i) Refund of contributions.—In the event a member leaves the employ of the Department or dies with less than 10 years of credited service, and no service pension, disability pension, or beneficiary benefit is payable, the contributions made by him or her to the Fund shall be refunded,

without interest (less any disability payments paid to the member), to the member or, in the event of death, to the beneficiary or to the member's estate.

(j) Chapter 175, Florida Statutes, share accounts.—

1. Individual member accounts.—A separate account shall be established and maintained in each member's name effective on or after October 1, 1988.

2. Share account funding.—

a. Each individual member account shall be credited with a pro rata share of all of the moneys received from chapter 175, Florida Statutes, tax revenues in June 1988 and thereafter.

b. In addition, any forfeitures as provided in subparagraph 5. shall be credited to the individual member accounts in accordance with the formula set forth in subparagraph 3.

3. Annual allocation of accounts.—

a. Moneys shall be credited to each individual member account in an amount directly proportionate to the number of pay periods for which the member was paid compared to the total number of pay periods for which all members were paid, counting the pay periods in the calendar year preceding the date for which chapter 175, Florida Statutes, tax revenues were received.

b. At the end of each fiscal year (September 30), each individual account shall be adjusted to reflect the earnings or losses resulting from investment, as well as reflecting costs, fees, and expenses of administration.

c. The investment earnings or losses credited to the individual member accounts shall be in the same percentage as are earned or lost by the total investment earnings or losses of the Fund as a whole, unless the Board dedicates a separate investment portfolio for chapter 175, Florida Statutes, share accounts, in which case the investment earnings or losses shall be measured by the investment earnings or losses of the separate investment portfolio.

d. Costs, fees, and expenses of administration shall be debited from the individual member accounts on a proportionate basis, taking the cost, fees, and expenses of administration of the Fund as a whole, multiplied by a fraction, the numerator of which is the total assets in all individual member accounts and the denominator of which is the total assets of the Fund as a whole. The proportionate share of the costs, fees, and expenses shall be debited from each individual member account on a pro rata basis in the same manner as chapter 175, Florida Statutes, tax revenues are credited to each individual member account (i.e., based on pay periods).

e. If the entire balance of the individual member account is withdrawn before September 30 of any year, there shall be no adjustment made to that individual member account to reflect either investment earnings or losses or costs, fees, and expenses of administration.

4. Eligibility for benefits.—Any member who terminates employment with the City, upon the member's filing an application with the Board, shall be entitled to 100 percent of the value of his or her individual member account, provided the member meets any of the following criteria:

a. The member is eligible to receive a service pension as provided in this subsection;

b. The member has 5 or more years of credited service and is eligible to receive either:

(I) A nonduty disability pension as provided in paragraph (6)(a); or

(II) Beneficiary benefits for nonduty death as provided in paragraph (7)(a); or

c. The member has any credited service and is eligible to receive either:

(I) A duty disability pension as provided in paragraph (6)(c); or

(II) Beneficiary benefits for death in the line of duty as provided in paragraph (7)(b).

5. Forfeitures.—Any member who has less than 10 years of credited service and who is not eligible for payment of benefits after termination of employment with the City shall forfeit his or her individual member account. The amounts credited to said individual member account shall be redistributed to the other individual member accounts in the same manner as chapter 175, Florida Statutes, tax revenues are credited (i.e., based on pay periods).

6. Payment of benefits.—The normal form of benefit payment shall be a lump sum payment of the entire balance of the individual member account; or, upon the written election of the member, upon a form prescribed by the Board, payment may be made either by:

a. Installments.—The account balance shall be paid out to the retirant in three equal payments paid over 3 years, the first payment to be made upon approval of the Board; or

b. Annuity.—The account balance shall be paid out in monthly installments over the lifetime of the member or until the entire balance is exhausted. The monthly amount paid shall be determined by the Fund's actuary in accordance with selections made by the member in a form provided by the Board.

7. Death of a member.—If a member dies and is eligible for benefits from the individual member account, the entire balance of the individual member account shall be paid in a lump sum to the beneficiaries designated in accordance with paragraph (h). If a member fails to designate a beneficiary or, if the beneficiary predeceases the member, the entire balance shall be paid in a lump sum in the following order:

a. To the spouse;

b. If there is no spouse or the spouse is not alive, to the member's surviving child or children on a pro rata basis;

c. If there are no children or no child is alive, to the member's parent or parents; or

d. If no parent is alive, to the estate of the member.

(k) Deferred Retirement Option Plan (DROP).—

1. Eligibility to participate in the DROP.—

a. Any member who is eligible to receive an early or normal retirement pension may participate in the DROP. Members shall elect to participate by applying to the Board of Trustees on a form provided for that purpose.

b. Election to participate shall be forfeited if not exercised within the first 35 years of combined credited service.

c. A member shall not participate in the DROP beyond the time of attaining 37 years of service and the total years of participation in the DROP shall not exceed 5 years. For example:

(I) Members with 32 years of credited service at the time of entry shall participate for only 5 years.

(II) Members with 33 years of credited service at the time of entry shall participate for only 4 years.

(III) Members with 34 years of credited service at the time of entry shall participate for only 3 years.

(IV) Members with 35 years of credited service at the time of entry shall participate for only 2 years.

d. Upon a member's election to participate in the DROP, he or she shall cease to be a member and shall no longer accrue any benefits under the Pension Fund, except for the benefits provided under paragraph (j) of this subsection, chapter 175, Florida Statutes, share accounts. For all Fund purposes, the member becomes a retirant, except that a DROP

participant shall continue to receive shares of the chapter 175, Florida Statutes, money in accordance with paragraph (j), chapter 175, Florida Statutes, share accounts. The amount of credited service and final average salary shall freeze as of the date of entry into the DROP.

2. Amounts payable upon election to participate in the DROP.—

a. Monthly retirement benefits that would have been payable had the member terminated employment with the Department and elected to receive monthly pension payments shall be paid into the DROP and credited to the retirant. Payments into the DROP shall be made monthly over the period the retirant participates in the DROP, up to a maximum of 60 months.

b. Payments to the DROP earn interest using the rate of investment return earned on Pension Fund assets as reported by the Fund's investment monitor. DROP assets are commingled with the Pension Fund assets for investment purposes. However, if a member does not terminate employment at the end of participation in the DROP, interest credit shall cease on the current balance and on all future DROP deposits.

c. No payments shall be made from the DROP until the member terminates employment with the Department.

d. Upon termination of employment, participants in the DROP shall receive the balance of the DROP account in accordance with the following rules:

(I) Members may elect to receive payment upon termination of employment or defer payment of the DROP until the latest day under sub-sub-subparagraph (III).

(II) Payments shall be made in either:

(A) Lump sum.—The entire account balance shall be paid to the retirant upon approval of the Board of Trustees.

(B) Installments.—The account balance shall be paid out to the retirant in three equal payments paid over 3 years, the first payment to be made upon approval of the Board of Trustees.

(C) Annuity.—The account balance shall be paid out in monthly installments over the lifetime of the member or until the entire balance is exhausted. The monthly amount paid shall be determined by the Fund's actuary in accordance with selections made by the member in a form provided by the Board of Trustees.

(III) Any form of payment selected by a member must comply with the minimum distribution requirements of the IRC 401(A)(9), and are subject to the requirements of subsection (19).

(IV) The beneficiary of the DROP participant who dies before payments from DROP begin shall have the same right as the participant in accordance with subsection (7).

3. Loans from the DROP.—

a. Availability of loans.—

(I) Loans are available to members only after termination of employment, provided the member had participated in the DROP for a period of 12 months.

(II) Loans may only be made from a member's own account.

(III) There may be no more than one loan at a time.

b. Amount of loan.—

(I) Loans may be made up to a maximum of 50 percent of account balance.

(II) The maximum dollar amount of a loan is $50,000, reduced by the highest outstanding loan balance during the last 12 months.

(III) The minimum amount of a loan is $5,000.

c. Limitation on loans.—Loans shall be made from the amounts paid into the DROP and earnings thereon.

d. Term of the loan.—

(I) The loan must be for at least 1 year.

(II) The loan shall be no longer than 5 years.

e. Loan interest rate.—

(I) The interest rate shall be fixed at the time the loan is originated for the entire term of the loan.

(II) The interest rate shall be equal to the lowest prime rate published by the Wall Street Journal on the last day of each calendar quarter preceding the date of the loan application.

f. Defaults of loans.—

(I) Loans shall be in default if 2 consecutive months' repayments are missed or if a total of 4 months' repayments are missed.

(II) Upon default, the entire balance becomes due and payable immediately.

(III) If a loan in default is not repaid in full immediately, the loan may be canceled and the outstanding balance treated as a distribution, which may be taxable.

(IV) Upon default of a loan, a member shall not be eligible for additional loans.

g. Miscellaneous provisions.—

(I) All loans must be evidenced by a written loan agreement signed by the member and the Board of Trustees. The agreement shall contain a promissory note.

(II) A member's spouse must consent in writing to the loan. The consent shall acknowledge the effect of the loan on the member's account balance.

(III) Loans shall be considered general assets of the Fund.

(IV) Loans shall be subject to administrative fees to be set by the Board of Trustees.

4. After-tax contributions to the DROP.—

a. A member may make after-tax contributions to the DROP. The maximum amount that may be contributed is the lesser of:

(I) The IRS 415(c) limit.

(II) The amount allowable under IRC 401(m).

b. After-tax contributions to the DROP shall earn interest in the same manner as set forth in sub-subparagraph 2.b.

c. Distributions to members or their beneficiaries of after-tax contributions may be withdrawn at any time on or after termination of employment. However, payments must be made at least as promptly as required under subsection (19).

d. Loans shall not be made against after-tax contributions.

(6) Disability pensions, medical examinations, return to work, etc.—

(a) Nonduty disability requirements.—Any member with 5 or more years of service credit who is regularly employed in the Department who becomes physically or mentally totally and permanently disabled by illness, disease, or injury to perform the duties of a firefighter shall, upon the member's application to the Board, be retired with a pension provided for in this paragraph, provided that after a medical examination of the member made by or under the direction of a medical committee, the medical committee reports to the Board, in writing, whether:

1. The member is wholly prevented from rendering useful and efficient service as a firefighter; and

2. The member is likely to remain so disabled continuously and permanently.

The Board may admit and consider any other evidence that it deems appropriate. The final decision as to whether a member meets the requirements for a nonduty disability pension rests with the Board and shall be based on competent substantial evidence on the record as a whole.

(b) Nonduty disability pension benefits.—Upon retirement on account of disability as provided in paragraph (a), a member shall receive a disability pension computed according to subparagraph (5)(a)1., notwithstanding that he or she might not have attained age 50 years and might not have 15 or more years of service credit. Further, if the member has at least 10 years of service credit, the disability pension shall not be less than 25 percent of the member's average monthly salary at the time of disability. A disability retiree may select optional forms of benefits in accordance with paragraph (5)(g).

(c) Duty disability requirements.—Any member who is regularly employed in the Department and who becomes physically or mentally totally and permanently disabled to perform the duties of a firefighter by reason of an injury or disease arising out of and in the course of the performance of his or her duties as a firefighter in the employ of the City, shall, upon his or her application to the Board, be retired with a disability pension provided for in this paragraph, provided that after a medical examination of the member made by or under the direction of the medical committee, the medical committee reports to the Board in writing, whether:

1. The member is wholly prevented from rendering useful and efficient service as a firefighter; and

2. The member is likely to remain so disabled continuously and permanently.

The Board shall admit and consider any other evidence that it deems appropriate. Any condition or impairment of health of a member caused by tuberculosis, hypertension, heart disease, hepatitis, or meningococcal meningitis resulting in total disability or death shall be presumed to have been accidental and suffered in the line of duty unless the contrary is shown by competent evidence, provided such member shall have successfully passed a physical examination before entering into such service, which examination failed to reveal any evidence of such condition. In order to be entitled to the presumption in the case of hepatitis, meningococcal meningitis, or tuberculosis, the member must meet the requirements of section 112.181, Florida Statutes. The final decision as to whether a member meets the requirements for a disability pension rests with the Board, based on competent substantial evidence on the record as a whole.

(d) Duty disability pension benefits.—Upon retirement on account of disability, as provided in paragraph (c), a member shall receive a monthly pension for the remainder of his or her life, equal to the greater of the following:

1. Sixty-five percent of the final average salary; or

2. The sum of the following:

a. Two and one-half percent of the member's final average salary multiplied by the number of years, and fraction of a year, of his or her service credit to a maximum of 26 years of service, and 2 percent of his or her final average salary multiplied by the number of years, and fraction of a year, in excess of 26 years of service, for all years of service earned through September 30, 1988; and

b. Two percent of the member's final average salary multiplied by the number of years, and fraction of a year, of his or her service credit earned on or after October 1, 1988.

(e) Medical committee.—The medical committee provided for in this subsection shall consist of no less than two qualified health professionals, one of whom shall be designated by the Board and one by the member. If deemed necessary by the Board, a third qualified health professional, selected by the two committee members previously designated, may be named to the medical committee. The medical committee shall report to the Board the existence and degree of permanent physical impairment of the member, if any, based upon the most recent edition of the American Medical Association's Guide to the Evaluation of Permanent Impairment, if applicable.

(f) Exclusions from disability pensions.—No disability pension shall be payable, either as a duty disability pension or as a nonduty disability pension, if the disability is a result of:

1. Excessive and habitual use by the member of drugs, intoxicants, or narcotics;

2. Injury or disease sustained by the member while willfully and illegally participating in fights, riots, or civil insurrections or while committing a crime;

3. Injury or disease sustained by the member while serving in any armed forces;

4. Injury or disease sustained by the member after his or her employment has terminated;

5. Injury or disease sustained by the member while working for anyone other than the City and arising out of such employment; or

6. Injury or disease sustained by the member before coming to work for the City. This exclusion applies to duty disability applications only.

(g) Payment of disability pensions.—Monthly disability retirement benefits shall be payable as of the date the Board determines that the member was entitled to a disability pension; however, the first payment shall actually be paid on the first day of the first month after the Board determines such entitlement. Any portion due for a partial month shall be paid together with the first payment. If the member recovers from the disability prior to his or her normal retirement date, the last payment shall be the payment due next preceding the date of such recovery or, if the member dies without recovering from his or her disability, then the following shall apply:

1. Married member.—Beneficiary benefits as set forth in subsection (7) shall be paid if, at the time of death, the member was married or had a dependent child or children or parent or parents; or

2. Unmarried member with 10 years of service or more.—Payments shall be made until the member's death or the 120th monthly payment, whichever is later; or

3. Unmarried member with less than 10 years of service.—Payments shall be made until the member's death.

Any monthly retirement income payments due after the death of a disabled member shall be paid to the member's designated beneficiary or beneficiaries or the member's estate as provided in paragraph (5)(h) or subsection (7), as applicable.

(h) Reexamination of disability retirant.—At least once each year during the first 5 years following a member's retirement on account of disability, and at least once in each 3-year period thereafter, the Board shall require any disability retirant who has not attained age 50 to undergo a medical examination to be made by or under the direction of a physician designated by the Board. However, if a disability retirant has lost the firefighter certification, as required by Florida Statutes, then the reexamination is discretionary. If the retirant refuses to submit to the medical examination in any such period, his or her disability pension may be suspended by the Board until withdrawal of such refusal. If such refusal continues for 1 year, all of the retirant's rights in and to a disability pension may be revoked by the Board. If, upon medical examination of the retirant, the physician reports to the Board that the retirant is physically able and capable of performing the duties of a firefighter in the rank held by him or her at the time of retirement, the member shall be returned to employment in the Department at a salary not less than the salary of the rank last held by him or her, provided that return to the employ of the Department shall be subject to the approval of the Fire Chief. Should the retirant become employed by the City, his or her disability pension shall terminate.

(i) Return to work of a disability retirant; service credit.—In the event a disability retirant is returned to employment in the department, as

provided in paragraph (h), his or her service credit at the time of disability retirement shall be restored to his or her credit. In the event he or she retired under the provisions of paragraph (c), he or she shall be given service credit for the period he or she was in receipt of a disability pension. If he or she retired under the provisions of paragraph (a), he or she shall not be given service credit for the period he or she was in receipt of a disability pension.

(j) Expenses of medical examinations for disability.—The member shall be responsible for the expenses of the physician the member designates for medical examinations required under this subsection. Expenses for any other medical examinations required under this subsection shall be paid by the Fund.

(7) Beneficiary benefits.—

(a) Death while in service; 5 years or more (nonduty).—In the event a member with 5 or more years of service credit dies while in the employ of the Department, and the Board finds his or her death to have occurred as the result of causes arising outside the performance of his or her duties as a firefighter in the employ of the City, the following applicable pensions shall be paid:

1. Surviving spouse's benefits.—The surviving spouse shall receive a pension equal to two-thirds of the pension the member would otherwise have been entitled to receive under paragraph (5)(a), as if the member had retired the day preceding the date of his or her death, notwithstanding that the member might not have met the age and service requirements for retirement as specified in subsection (5). Upon the surviving spouse's death, the pension shall terminate.

2. Benefits for children, surviving spouse, etc.—In the event the deceased member does not leave a surviving spouse, or if the surviving spouse shall die, and the member leaves an unmarried child or children under age 18, each such child shall receive a pension of an equal share of the pension to which said member's surviving spouse was or would have been entitled. Upon any such child's adoption, marriage, death, or attainment of age 18, the child's pension shall terminate and said child's pension shall be apportioned to the deceased member's remaining eligible children under age 18.

3. Benefits for dependent parents.—In the event a member dies and does not leave a surviving spouse or children eligible to receive a pension provided for in subparagraphs 1. and 2., and the member leaves a parent or parents whom the Board finds to have been dependent upon the member for 50 percent or more of their financial support, each such parent shall receive a pension of an equal share of the pension to which the member's surviving spouse would have been entitled. Upon any such parent's remarriage or death, the parent's pension shall terminate.

4. Estate.—In the event a member dies and does not leave a surviving spouse, children, or parents eligible to receive a pension provided for in subparagraph 1., subparagraph 2., or subparagraph 3., then the benefits remaining, if any, shall be paid to the member's estate.

(b) Death in the line of duty.—In the event a member dies while in the employ of the Department, and the Board finds his or her death to be the natural and proximate result of causes arising out of and in the actual performance of duty as a firefighter in the employ of the City, the following applicable pensions shall be paid:

1. Surviving spouse's benefits.—The surviving spouse shall receive a monthly pension equal to three-fourths of the duty disability pension the member would otherwise have been entitled to receive at the time of his or her death. Upon the surviving spouse's death, the pension shall terminate.

2. Benefits for children, surviving spouse, etc.—In the event the deceased member does not leave a surviving spouse, or if the surviving spouse shall die, and the member leaves an unmarried child or children under age 18, each such child shall receive a pension of an equal share of the pension to which the member's surviving spouse was or would have been entitled. Upon any such child's adoption, marriage, death, or attainment of age 18, the child's pension shall terminate and said child's pension shall be apportioned to the deceased member's remaining eligible children under age 18.

3. Benefits for dependent parents.—In the event a member dies and does not leave a surviving spouse or children eligible to receive a pension provided for in subparagraphs 1. and 2., and the member leaves a parent or parents whom the Board finds to have been dependent upon the member for 50 percent or more of their financial support, each such parent shall receive a pension of an equal share of the pension to which said member's surviving spouse would have been entitled. Upon any such parent's remarriage or death, the parent's pension shall terminate.

4. Estate.—In the event a member dies and does not leave a surviving spouse, children, or parents eligible to receive a pension provided for in subparagraph 1., subparagraph 2., or subparagraph 3., then the benefits remaining, if any, shall be paid to the member's estate.

(c) Death after retirement.—Upon the death of a retirant, the following applicable pensions shall be paid:

1. Surviving spouse's benefits.—The surviving spouse shall receive a pension equal to three-fourths of the retirant's pension at the time of his or her death. Upon the surviving spouse's death, the pension shall terminate.

2. Benefits for children, surviving spouse, etc.—In the event a deceased retirant does not leave a surviving spouse, or if the surviving spouse shall die, and the retirant leaves an unmarried child or children under age 18, each such child shall receive a pension of an equal share of the pension to which the retirant's surviving spouse was or would have been entitled. Upon any such child's adoption, marriage, death, or attainment of age 18, the child's pension shall terminate and said child's pension shall be apportioned to the deceased retirant's remaining eligible children under age 18.

3. Benefits for dependent parents.—In the event a retirant dies and does not leave a surviving spouse or children eligible to receive a pension provided for in subparagraphs 1. and 2., and the retirant leaves a parent or parents whom the Board finds to have been dependent upon the retirant for 50 percent or more of their financial support, each such parent shall receive a pension of an equal share of the pension to which the retirant's surviving spouse would have been entitled. Upon any such parent's remarriage or death, the parent's pension shall terminate.

4. Estate.—In the event a retirant dies and does not leave a surviving spouse, children, or parents eligible to receive a pension provided for in subparagraph 1., subparagraph 2., or subparagraph 3., then the benefits remaining, if any, shall be paid to the retirant's estate.

(8) Acceptance of pension no bar to subsequent work.—The acceptance of a pension by a member upon retirement shall not bar the member from engaging in any other business thereafter.

(9) Pension not assignable or subject to garnishment.—The pensions or other benefits accrued or accruing to any person under the provision of this act and the accumulated contributions and the cash securities in the Funds created under this act shall not be subject to execution or attachment or to any legal process whatsoever, and shall be unassignable. However, pursuant to a court support order, the Trustees may direct that the retirement benefits be paid for alimony or child support in accordance with rules and regulations adopted by the Board of Trustees.

(10) Transfer of funds.—All funds and assets previously owned and controlled by the West Palm Beach Firemen's Relief and Pension Fund are vested in the Board of this Fund.

(11) Ordinances applicable.—All ordinances of the City applicable to chapter 175, Florida Statutes, are hereby made applicable to this act with equal force and effect. No proposed change or amendment to this act shall be adopted without approval required by section 175.351(2), Florida Statutes.

(12) Existing benefits to continue.—This act, and any amendments thereto, shall not be construed to decrease the benefits payable to, or on account of, any member of the Fund.

(13) Workers' compensation offset.—The pension benefits payable under this act shall not be offset by workers' compensation benefits

payable on account of the disability or death of a member except to the extent that the total of the pension benefits and workers' compensation benefits exceed the member's monthly average wage.

(14) Actuarial valuations.—The Fund shall be actuarially evaluated annually.

(15) Review procedures.—

(a) The applicant for benefits under this chapter may, within 20 days after being informed of the denial of his or her request for pension benefits, appeal the denial by filing a reply to the proposed order with the pension's secretary. If no appeal is filed within the time period, then the proposed order shall be final.

(b) The Board of Trustees shall hold a hearing within 45 days after the receipt of the appeal. Written notice of the hearing shall be sent by certified mail return receipt/restricted to individual, to the applicant at the address listed on the application 10 days prior to the hearing.

(c) The procedures at the hearing shall be as follows:

1. All parties shall have an opportunity to respond, to present physical and testimonial evidence and argument on all issues involved, to conduct cross-examination, to submit rebuttal evidence, and to be represented by counsel. Medical reports and depositions may be accepted in lieu of live testimony at the Board's discretion.

2. All witnesses shall be sworn.

3. The applicant and the Board shall have an opportunity to question all witnesses.

4. Formal rules of evidence and formal rules of civil procedure shall not apply. The proceedings shall comply with the essential requirements of due process and law.

5. The record in a case governed by this subsection shall consist only of:

a. A tape recording of the hearing, to be taped and maintained as part of the official files of the Board of Trustees by the pension's secretary.

b. Evidence received or considered.

c. All notices, pleadings, motions, and intermediate rulings.

d. Any decisions, opinions, proposed or recommended orders, or reports by the Board of Trustees.

(d) Within 5 days after the first hearing, the Board shall take one of the following actions:

1. Grant the pension benefits by overturning the proposed order by a majority vote.

2. Deny the benefits and approve the proposed order as a final order after making any changes in the order the Board feels is necessary.

(e) Findings of fact by the Board shall be based on competent, substantial evidence on the record.

(f) Within 20 calendar days after rendering its order, the Board of Trustees shall send to the applicant, by certified mail return receipt/restricted to individual, a copy of the order.

(g) The applicant may seek review of the order by the Board of Trustees by filing a petition for writ of certiorari with the circuit court within 30 days.

(16) Lump sum payment of small retirement income.—Notwithstanding any provision of the Fund to the contrary, if the single sum value of the accrued retirement income is less than $5,000 as of the date of retirement or termination of service, whichever is applicable, the Board of Trustees, in the exercise of its discretion, may specify that the actuarial equivalent of such retirement income be paid in lump sum.

(17) Pickup of employee contributions.—Effective the first day of the first full payroll period of the first calendar quarter following receipt of a favorable determination letter from the Internal Revenue Service, the City shall pick up the member contribution required by this section. The contributions so picked up shall be treated as employer contributions in determining tax treatment under the United States Internal Revenue Code. The City shall pick up the member contributions from funds established and available for salaries, which funds would otherwise have been designated as member contributions and paid to the Fund. Member contributions picked up by the City pursuant to this subsection shall be treated for all other purposes of making a refund of members' contributions, and for all other purposes of this and other laws, in the same manner and to the same extent as member contributions made prior to the effective date of this subsection. The intent of this subsection is to comply with section 414(H)(2) of the Internal Revenue Code.

(18) Internal Revenue Code limits.—

(a) In no event may a member's annual benefit exceed $160,000, adjusted for cost of living in accordance with Internal Revenue Code ("IRC") Section 415(d).

(b) If a member has less than 10 years of service with the City, the applicable limitation in paragraph (a) shall be reduced by multiplying such limitation by a fraction, not to exceed 1. The numerator of such fraction shall be the number of years, or part thereof, of service with the City; the denominator shall be 10 years.

(c) For purposes of this subsection, "annual benefit" means a benefit payable annually in the form of a straight life annuity with no ancillary or incidental benefits and with no member or rollover contributions. To the extent that ancillary benefits are provided, the limits set forth in paragraph (a) shall be reduced actuarially, using an interest rate assumption equal to the greater of 5 percent or the rate being used for actuarial equivalence, to reflect such ancillary benefits.

(d) If distribution of retirement benefits begins before age 62, the dollar limitation as described in paragraph (a) shall be reduced using an interest rate assumption equal to the greater of 5 percent or the interest rate used for actuarial equivalence; however, retirement benefits shall not be reduced below $75,000 if payment of benefits begins at or after age 55, and not below the actuarial equivalent of $75,000 if payment of benefits begins before age 55. For a member with 15 or more years of service with the City, the reductions described above shall not reduce such member's benefit below $50,000, adjusted for cost of living in accordance with IRC Section 415(d), but only for the year in which such adjustment is effective. If retirement benefits begin after age 65, the dollar limitation of paragraph (a) shall be increased actuarially by using an interest assumption equal to the lesser of 5 percent or the rate used for actuarial equivalence.

(e) Compensation in excess of limitations set forth in Section 401(a)(17) of the Internal Revenue Code shall be disregarded. The limitation on compensation for an eligible employee shall not be less than the amount which was allowed to be taken into account hereunder as in effect on July 1, 1993. "Eligible employee" is an individual who was a member before the first plan year beginning after December 31, 1995.

(19) Required distributions.—In accordance with IRC Section 401(9)(C), any and all benefit payments shall begin by the later of:

(a) April 1 of the calendar year following the calendar year of the member's retirement date; or

(b) April 1 of the calendar year following the calendar year in which the employee attains age 70 1/2.

(20) Miscellaneous requirements.—

(a) No benefit of any kind shall be payable from the assets of the Pension Fund unless specifically provided for in this act; however, the Board of Trustees, with the approval of the City, may grant ad hoc benefits after a public hearing and acceptance by the state of an actuarial impact statement submitted pursuant to part VII of chapter 112, Florida Statutes.

(b) The City may not offset any part of its required annual contribution by the Fund's assets except as determined in an actuarial

valuation, the report for which is determined to be state accepted pursuant to part VII of chapter 112, Florida Statutes.

(c) All provisions of this act and operations of the Pension Fund shall be carried out in compliance with part VII of chapter 112, Florida Statutes.

(d) False or misleading statements made to obtain retirement benefits prohibited.—

1. It is unlawful for a person to willfully and knowingly make, or cause to be made, or to assist, conspire with, or urge another to make, or cause to be made, any false, fraudulent, or misleading oral or written statement or to withhold or conceal material information to obtain any benefit under this plan.

2.a. A person who violates subparagraph 1. commits a misdemeanor of the first degree, punishable as provided in section 775.082 or section 775.083, Florida Statutes.

b. In addition to any applicable criminal penalty, upon conviction for a violation of subparagraph 1., a participant or beneficiary of this plan may, in the discretion of the Board of Trustees, be required to forfeit the right to receive any or all benefits to which the person would otherwise be entitled under this Plan. For the purposes of this sub-subparagraph, "conviction" means a determination of guilt that is the result of a plea or trial, regardless of whether adjudication is withheld.

(21) Rollover distributions.—

(a) This subsection applies to distributions made on or after January 1, 1993. Notwithstanding any provision of the Plan to the contrary that would otherwise limit a distributee's election under this subsection, a distributee may elect, at the time and in the manner prescribed by the Board of Trustees, to have any portion of an eligible rollover distribution paid directly to an eligible retirement plan specified by the distributee in a direct rollover.

(b)1. "Eligible rollover distribution" is any distribution of all or any portion of the balance to the credit of the distributee, except that an eligible rollover does not include any distribution that is one of a series of substantially equal periodic payments (not less frequently than annually) made for the life (or life expectancy) of the distributee or the joint lives (or joint life expectancies) of the distributee and the distributee's designated beneficiary, or for a specified period of 10 years or more; any distribution to the extent such distribution is required under section 401(a)(9) of the Code; and the portion of any distribution that is not includable in gross income.

2. "Eligible retirement plan" is an individual retirement account described in section 408(a) of the Code, an individual retirement annuity described in section 408(b) of the Code, an annuity plan described in section 403(a) of the Code, or a qualified trust described in section 401(a) of the Code that accepts the distributee's eligible rollover distribution. However, in the case of an eligible rollover distribution to the surviving spouse, an "eligible retirement plan" is an individual retirement account or individual retirement annuity.

3. "Distributee" includes an employee or former employee. In addition, the employee's or former employee's surviving spouse and the employee's or former employee's spouse or former spouse who is entitled to payment for alimony and child support under a domestic relations order determined to be qualified by this Fund are distributees with regard to the interest of the spouse or former spouse.

4. "Direct rollover" is a payment by the Plan to the eligible retirement plan specified by the distributee.

(22) Rollovers from qualified plans.—

(a) A member may roll over all or part of his or her assets in another qualified plan to his or her chapter 175, Florida Statutes, share account, provided all of the following requirements are met:

1. Some or all of the amount distributed from the other plan is rolled over to this plan no later than the 60th day after distribution was made from the plan or, if distributions are made in installments, no later than the 60th day after the last distribution was made.

2. The amount rolled over to the share account does not include any amounts contributed by the member to the plan on a posttax basis.

3. The rollover is made in cash.

4. The member certifies that the distribution is eligible for a rollover.

5. Amounts which the Trustee accepts as a rollover to this Fund shall, along with any earnings allocated to the Trustee, be fully vested at all times.

The rollover may also be made to this plan from an individual retirement account qualified under Code Section 408 when the individual retirement was merely used as a conduit for funds from another qualified plan and the rollover is made in accordance with the rules provided in subparagraphs 1.-5. Amounts rolled over may be segregated from other Fund assets. The Trustee shall separately account for gains, losses, and administrative expenses on these rollovers as provided for in paragraphs (5)(d) and (j). In addition, the Fund may accept the direct transfer of a member's benefits from another qualified retirement plan or Internal Revenue Code section 457 plan. The Fund shall account for direct transfers in the same manner as a rollover and shall obtain certification from the member that the amounts are eligible for a rollover or direct transfer to this Fund.

(b) Transfer of accumulated leave.—

1. Members eligible to receive accumulated sick leave, accumulated vacation leave, or any other accumulated leave payable upon separation shall have the leave transferred to the Fund up to the amount permitted by law. Any additional amounts shall be paid directly to the member. Members on whose behalf leave has been transferred shall maintain the entire amount of the transferred leave balance in the DROP or Share Account.

2. If a member on whose behalf the City makes a transferred leave balance to the Plan dies after retirement or other separation, then any person who would have received a death benefit had the member died in service immediately prior to the date of retirement or other separation shall be entitled to receive an amount equal to the transferred leave balance in a lump sum. In the case of a surviving spouse or former spouse, an election may be made to transfer the leave balance to an eligible retirement plan in lieu of the lump sum payment. Failure to make such an election by the surviving spouse or former spouse within 60 days after the member's death shall be deemed an election to receive the lump sum payment.

3. The Board, by rule, shall prescribe the method for implementing the provisions of this paragraph.

4. Amounts transferred under this section shall remain invested in the Pension Fund for a period of not less than 1 year.

(23) Actuarial assumptions.—The following actuarial assumptions shall be used for all purposes in connection with this Fund, effective October 1, 1998:

(a) The period for amortizing current, future, and past actuarial gains or losses shall be 20 years.

(b) The assumed investment rate of return shall be 8.25 percent.

(24) Prior firefighter service.—Unless otherwise prohibited by law, the years, or fractional parts of years, that a member previously served as a firefighter with the City during a period of employment and for which accumulated contributions were withdrawn from the fund, or the years, and fractional parts of years, that a member served as a firefighter for this or any other municipal, county, or state fire department or district or any time served in the military service of the Armed Forces of the United States shall be added to the years of credited service, provided that the member contributes to the fund the sum that would have been contributed, based on the member's salary and the employee contribution rate in effect at the time that the credited service is requested, had the

member been a member of this system for the years, or fractional parts of years, for which the credit is requested, plus the amount actuarially determined, such that the crediting of service does not result in any cost to the fund, plus payment of costs for all professional services rendered to the board in connection with the purchase of years of credited service.

(a) Payment by the member of the required amount may be made within 6 months after the request for credit and in one lump sum payment, or the member may buy back this time over a period equal to the length of time being purchased or 5 years, whichever is greater, at an interest rate which is equal to the Fund's actuarial assumption. A member may request to purchase some or all years of service.

(b) The credit purchased under this section shall count for all purposes, except vesting.

(c) In no event, however, may credited service be purchased pursuant to this section for prior service with any other municipal, county, or state fire department or district, if such prior service forms or will form the basis of a retirement benefit or pension from another retirement system or plan.

(d) In the event that a member who is in the process of purchasing service suffers a disability and is awarded a benefit from the plan, the member shall not be required to complete the buyback. However, contributions made prior to the date the disability payment begins will be retained by the Fund.

(e) If a member who has either completed the purchase of service or is in the process of purchasing service terminates before vesting, the member's contributions shall be refunded, including the buyback contributions.

(f) A request to purchase service may be made at any time during the course of employment; however, the buyback is a one-time opportunity.

Section 2. *All special laws and parts of special laws, ordinances, or regulations, insofar as they are in conflict or inconsistent with the provisions of this act, are repealed.*

Section 3. This act shall take effect upon becoming a law.

Rep. Atwater moved the adoption of the amendment, which was adopted.

On motion by Rep. Atwater, the rules were waived and HB 975, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 899

Yeas—112

The Chair	Brummer	Gelber	Kottkamp
Alexander	Brutus	Gibson	Kravitz
Allen	Bucher	Goodlette	Kyle
Andrews	Bullard	Gottlieb	Lacasa
Argenziano	Byrd	Green	Lee
Arza	Cantens	Greenstein	Lerner
Attkisson	Carassas	Haridopolos	Littlefield
Atwater	Clarke	Harper	Lynn
Ausley	Cusack	Harrell	Machek
Baker	Davis	Harrington	Mack
Ball	Detert	Hart	Mahon
Barreiro	Diaz de la Portilla	Henriquez	Mayfield
Baxley	Dockery	Heyman	Maygarden
Bean	Evers	Hogan	McGriff
Bendross-Mindingall	Farkas	Holloway	Meadows
Bennett	Fasano	Jennings	Mealor
Bense	Feeney	Johnson	Melvin
Benson	Fields	Jordan	Murman
Berfield	Fiorentino	Joyner	Needelman
Betancourt	Frankel	Kallinger	Negron
Bilirakis	Gannon	Kendrick	Paul
Bowen	Garcia	Kilmer	Peterman
Brown	Gardiner	Kosmas	Pickens
Prieguez	Ross	Smith	Waters
Rich	Russell	Sorensen	Weissman
Richardson	Ryan	Spratt	Wiles
Ritter	Seiler	Stansel	Wilson
Romeo	Simmons	Trovillion	Wishner

Nays—None

Votes after roll call:
Yeas—Flanagan, Siplin, Slosberg

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

HB 979—A bill to be entitled An act relating to Cedar Hammock Fire Control District; providing legislative intent; amending chapter 2000-391, Laws of Florida; providing for incorporation as a special fire control district; providing a district boundary; providing for a governing board of said district; providing for non-ad valorem assessments and impact fees; providing a schedule of non-ad valorem assessments; providing for district powers, functions, and duties; providing for construction and effect; providing an effective date.

—was read the second time by title.

The Committee on Local Government & Veterans Affairs offered the following:

(Amendment Bar Code: 524921)

Amendment 1 (with title amendment)—On page 1, lines 17 through 20,
remove: all of said lines

and insert:

Section 1. Intent.—Pursuant to section 191.015, Florida Statutes, it is the intent of the Legislature to provide a single, comprehensive special act charter for the Cedar Hammock Fire Control District, which includes all current legislative authority granted to the district by its several legislative enactments and any additional authority granted by this act and chapters 189 and 191, Florida Statutes, as they may be amended from time to time. The Cedar Hammock Fire Control District's charter was codified in chapter 2000-391, Laws of Florida. It is intended that this act be the District's single comprehensive special act. It is further the intent of this act to preserve all district authority.

Section 2. Chapter 2000-391, Laws of Florida, is reenacted, amended and repealed as herein provided.

Section 3. The Cedar Hammock Fire Control District is re-created and the charter is re-created and reenacted to read:

And the title is amended as follows:

On page 1, lines 2 through 13,
remove: all of said lines

and insert: An act relating to Cedar Hammock Fire Control District; providing legislative intent; amending, codifying, and reenacting all prior special acts; providing for incorporation as a special fire control district; providing a district boundary; providing for a governing board of said district; providing for non-ad valorem assessments and impact fees; providing a schedule of non-ad valorem assessments; providing for district powers, functions and duties; restating chapter 93-352, Laws of Florida, as amended by chapter 94-373, Laws of Florida, providing for the deletion of a reference to the district; providing for construction and effect; providing an effective date.

Rep. Bennett moved the adoption of the amendment, which was adopted.

The Committee on Local Government & Veterans Affairs offered the following:

(Amendment Bar Code: 235885)

Amendment 2—On page 11, lines 10 through 17, remove: all of said lines

and insert:

Section 4. Construction.—This act shall be construed as remedial and shall be liberally construed to promote the purpose for which it is intended.

Section 5. Effect.—In the event that any part of this act should be held void for any reason, such holding shall not affect any other part thereof.

Section 6. Repeal of prior special acts.—Chapter 2000-391, Laws of Florida, is repealed.

Section 7. Paragraph (a) of subsection (1) of section 1 of chapter 93-352, Laws of Florida, as amended by chapter 94-373, Laws of Florida, is restated to read:

Section 1. Manatee County district boards of fire commissioners; membership.

(1)(a) The business affairs of the ~~Cedar Hammock Fire Control District,~~ Parrish Fire Control District, Southern Manatee Fire and Rescue District, Trailer Estates Fire Control District, Westside Fire Control District, and Whitfield Fire Control District in Manatee County shall each be conducted and administered by a five-member board of fire commissioners that is elected by the electors of the respective district in a nonpartisan election held at the time and in the manner prescribed for holding general elections in section 189.405(2)(a), Florida Statutes. Each member of a district board shall be elected for a term of 4 years and shall serve until his successor is chosen and qualified, except that members elected to seats 2 and 4 in the first election held after the effective date of this act shall be elected for a term of 2 years.

Section 8. This act shall take effect upon becoming a law.

Rep. Bennett moved the adoption of the amendment, which was adopted.

On motion by Rep. Bennett, the rules were waived and HB 979, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 899

Yeas—112

The Chair	Brutus	Goodlette	Lacasa
Alexander	Bucher	Gottlieb	Lee
Allen	Bullard	Green	Lerner
Andrews	Byrd	Greenstein	Littlefield
Argenziano	Cantens	Haridopolos	Lynn
Arza	Carassas	Harper	Machek
Attkisson	Clarke	Harrell	Mack
Atwater	Cusack	Harrington	Mahon
Ausley	Davis	Hart	Mayfield
Baker	Detert	Henriquez	Maygarden
Ball	Diaz de la Portilla	Heyman	McGriff
Barreiro	Dockery	Hogan	Meadows
Baxley	Evers	Holloway	Mealor
Bean	Farkas	Jennings	Melvin
Bendross-Mindingall	Fasano	Johnson	Murman
Bennett	Feeney	Jordan	Needelman
Bense	Fields	Joyner	Negron
Benson	Fiorentino	Kallinger	Paul
Berfield	Frankel	Kendrick	Peterman
Betancourt	Gannon	Kilmer	Pickens
Bilirakis	Garcia	Kosmas	Prieguez
Bowen	Gardiner	Kottkamp	Rich
Brown	Gelber	Kravitz	Richardson
Brummer	Gibson	Kyle	Ritter
Romeo	Seiler	Spratt	Weissman
Ross	Simmons	Stansel	Wiles
Russell	Smith	Trovillion	Wilson
Ryan	Sorensen	Waters	Wishner

Nays—None

Votes after roll call:
Yeas—Flanagan, Siplin, Slosberg

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

HB 981—A bill to be entitled An act relating to the Trailer Estates Park and Recreation District, Manatee County; codifying, reenacting, amending, and repealing special acts relating to the district; providing for the administration of the affairs of said district by a board of nine trustees and defining their powers and duties; providing for the qualification of electors in the district and the manner of conducting the first election of trustees and for annual election of trustees thereafter; providing for removal of trustees and appointment to fill vacancies; providing for the assessment and collection of a recreation district tax assessed against each improved residential parcel of real property within the district; providing that such district tax shall be a lien against each parcel of land so assessed and for the method of collecting such tax; providing for the deposit and disbursement of funds of the district; establishing a fiscal year and providing for publication of annual financial statements; authorizing the trustees of the district to issue bonds and other obligations of the district and to secure the same by pledge of tax revenues and other property of the district; authorizing the trustees of the district to acquire and dispose of real and personal property for the general purpose of the district; authorizing the trustees of the district to promulgate rules and regulations for the use of facilities of the district; providing for the abolishment of the district; providing conditions precedent to the filing of suit against the district or any of the trustees thereof, and relieving individual trustees from personal liability for obligations of the district; defining terms; providing for a special referendum within the district before this act may become effective; providing an effective date.

—was read the second time by title.

The Committee on Local Government & Veterans Affairs offered the following:

(Amendment Bar Code: 421797)

Amendment 1 (with title amendment)—
Remove everything after the enacting clause

and insert:

Section 1. *Pursuant to section 189.429, Florida Statutes, this act constitutes the codification of all special acts relating to the Trailer Estates Park and Recreation District. It is the intent of the Legislature in enacting this law to provide a single, comprehensive special act charter for the district, including all current legislative authority granted to the district by its several legislative enactments and any additional authority granted by this act.*

Section 2. *Chapters 69-1287, 70-796, 72-612, 73-546, 76-420, 76-423, 81-428, 90-447, 94-413, and 96-442, Laws of Florida, are codified, amended, reenacted, and repealed as herein provided.*

Section 3. *The Trailer Estates Park and Recreation District is re-created and the charter is re-created and reenacted to read:*

Section 1. Upon this act becoming a law, all lands described in Section 2 lying in Manatee County, hereinafter described, shall become and be incorporated into and as a park and recreation district, which shall be an independent special taxing district, having the powers and duties herein set forth, under the name of "Trailer Estates Park and Recreation District."

Section 2. The lands so to be incorporated being described as follows:

(a) Trailer Estates Subdivision as recorded in Plat Book 8, page 138, of the Public Records of Manatee County, Florida. First Addition to Trailer Estates Subdivision as recorded in Plat Book 9, page 71, of the Public Records of Manatee County, Florida.

(b) Second Addition to Trailer Estates Subdivision as recorded in Plat Book 9, page 61, of the Public Records of Manatee County, Florida.

(c) Third Addition to Trailer Estates Subdivision as recorded in Plat Book 10, Page 69 of the Public Records of Manatee County, Florida.

(d) Fourth Addition to Trailer Estates Subdivision as recorded in Plat Book 11, page 66, of the Public Records of Manatee County, Florida.

(e) Fifth Addition to Trailer Estates Subdivision as recorded in Plat Book 12, page 55, of the Public Records of Manatee County, Florida.

(f) The SW 1/4 of the SE 1/4 of the SE 1/4 of Section 22, TWP. 35 S., Rge. 17 E.; LESS: Land Described in Deed Book 380, Page 451, Official Records Book 208, Pages 156 & 157, Official Records Book 240, Pages 167 & 168, all of the Public Records of Manatee County, Florida; ALSO LESS: The South 133 feet and the East 290 feet of said SW 1/4 of the SE 1/4 of the SE 1/4.

(g) A tract of land in the SW 1/4 of the SE 1/4 of the SE 1/4 of Section 22, Twp. 35 S. Rge. 17 E. of Manatee County, Florida, more particularly described as follows: From the NW corner of said SW 1/4 of the SE 1/4 of the SE 1/4 of Section 22, run S. 88 degrees 30′ East along the North line of said SW 1/4 of the SE 1/4 of the SE 1/4, 14.74 feet; thence run S. 1 degree 48′ West, 100 feet for a Point of Beginning; thence run S. 88 degrees 30′ East, 130 feet to a point; thence run S. 1 degree 48′ West, 50 feet to a point; thence run N. 88 degrees 30′ West, 130 feet to a point; thence run N. 1 degree 48′ East 50 feet to the Point of Beginning.

(h) A tract of land in the SW 1/4 of the SE 1/4 of the SE 1/4 of Section 22, Twp. 35 S. Rge. 17 E. of Manatee County, Florida, more particularly described as follows: From the NW corner of said SW 1/4 of the SE 1/4 of the SE 1/4 of Section 22, run S. 88 degrees 30′ East along the North line of said SW 1/4 of the SE 1/4 of the SE 1/4, 14.74 feet; thence run S. 1 degree 48′ West, 150 feet for a Point of Beginning; thence run S. 88 degrees 30′ East, 130 feet to a point; thence run S. 1 degree 48′ West, 50 feet to a point; thence run N. 88 degrees 30′ West, 130 feet to a point; thence run N. 1 degree 48′ East 50 feet to the Point of Beginning.

(i) A tract of land in the SW 1/4 of the SE 1/4 of the SE 1/4 of Section 22, Twp. 35 S. Rge. 17 E. of Manatee County, Florida, more particularly described as follows: From the NW corner of said SW 1/4 of the SE 1/4 of the SE 1/4 of Section 22, run S. 88 degrees 30′ East along the North line of said SW 1/4 of the SE 1/4 of the SE 1/4, 14.74 feet; thence run S. 1 degree 48′ West, 200 feet for a Point of Beginning; thence run S. 88 degrees 30′ East, 130 feet to a point; thence run S. 1 degree 48′ West, 50 feet to a point; thence run N. 88 degrees 30′ West, 130 feet to a point; thence run N. 1 degree 48′ East 50 feet to the Point of Beginning.

Section 3. The business and affairs of said district shall be conducted and administered by a board of nine trustees (hereinafter referred to as the "trustees") who, upon their annual election, shall organize by electing from their number a chair, two vice chairs, a secretary, and a treasurer. Said trustees shall not receive any compensation for their services but shall be entitled to be reimbursed from funds of the district for any authorized disbursements they may properly incur on behalf of the district. Each trustee authorized to sign checks of the district or otherwise designated to handle its funds shall, before he or she enters upon such duties, execute to the Governor for the benefit of said district, a good and sufficient bond approved by a circuit judge of Manatee County in the sum of $5,000 with a qualified corporate surety conditioned to faithfully perform the duties of such trustee and account for all funds which may come into his or her hands as such trustee. All premiums for such surety on all bonds shall be paid from the funds of said district.

Section 4. Elections shall be held at the usual polling place within the district between the hours of 12 noon and 8 p.m. and shall be conducted and supervised by the supervisor of elections of Manatee County under the rules governing general elections in the county, except as may otherwise be provided herein. Election of the Board of Trustees shall be held annually on the first Tuesday after the first Monday of December, establishing 2-year terms for all trustees, five to be elected in even years to serve 2-year terms and four to be elected in odd years to serve 2-year terms in order of expiration of terms of office and as required to maintain a full board of nine trustees.

Section 5. The only persons qualified to vote in said election shall be owners of record of real property within said district, but they need not be actually residing in the district, nor be residents of the state. The term "owners of record" means record owners appearing on the current rolls of the tax assessor of Manatee County not less than 30 days prior to the date of each election. For the purpose of determining the qualifications of electors, the rolls of the tax assessor of Manatee County shall be presumptive evidence of the record of owners of property within the district, but such presumption may be rebutted by the voter furnishing a recorded deed or facsimile thereof to the supervisor of elections, or his or her designated agent at the polling place, at the time of voting at such election. Application for absentee ballots may be obtained from the supervisor of elections of Manatee County within 45 days prior to each annual election, and shall be counted if actually received by the supervisor of elections by 5 p.m. on the day before the date of each such election. All election ballots shall be prepared by the supervisor of elections of the county. Persons desiring to have their names placed on the ballot for election as trustee of the district shall be qualified electors as defined in this act and shall present a written petition to the supervisor of elections of Manatee County not less than 60 days prior to the date of each election, which petition shall be signed by the candidate and notarized, and signed by not less than 25 persons qualified to vote in said election within the district. Notice of said election setting forth the names of the persons proposed as trustees of the district for the next ensuing 2 years shall be given by the district in writing addressed to each record owner or owners of each parcel of property within the district, not less than 15 days before the date of each election, and shall also be published by the district one time at least 10 days prior to such election, in a newspaper of general circulation published in the county, and if no newspaper be published in said county, then they shall cause written or printed notices of said election to be posted in five public places within said district. The trustees may appoint inspectors and clerks for the election whose duties shall be the same as similar officers in general elections, except as herein stated. Said election may be by ballot or by voting machine, and if by ballot the same shall be written or printed in black ink on plain paper and shall be substantially in the following form:

Board of Trustees of the Trailer Estates Park and Recreation District
(stating their names and residence addresses)

and if by voting machine the requirements for the ballot herein described shall be adapted to the use of such voting machine. The nine persons receiving the highest number of votes shall be declared trustees of the district for the ensuing 2 years. Trustees may succeed themselves in office.

Section 6. The supervisor of elections of Manatee County shall canvass the return of election and shall announce the results thereon the day following the election. Should there be a deadlock in the balloting, a runoff election shall be held on the 3rd Tuesday of December next following the deadlocked election, except if a deadlock should occur in the first election as provided hereunder, a runoff election shall be held on the 3rd Tuesday following such deadlocked election. The supervisor of elections shall be entitled to a reasonable fee for conducting each election, payable out of general funds of the district.

Section 7. The Board of Trustees shall have the right, power, and authority to levy a special assessment known as a recreation district tax against all taxable real estate situated within said district for the purpose of providing funds for the operation of the district. The trustees

shall, on or before April 1 of each year, by resolution, fix the amount of the assessment for the next ensuing year and shall direct the tax assessor of Manatee County to assess and the tax collector of Manatee County to collect such tax as assessed upon each improved residential parcel of property within the district. Prior to the adoption of the resolution fixing the amount of the assessment, the trustees shall hold a public hearing at which time property owners within the district may appear and be heard. Notice of the time and place of the public hearing shall be published once in a newspaper of general circulation within the county at least 21 days prior to the public hearing. The county tax assessor shall include on the Manatee County tax roll the special assessment for park and recreation district benefits thus made by the Board of Trustees of the district, and the same shall be collected in the manner and form as provided for collection of county taxes. The county tax collector and the county tax assessor shall each receive compensation for their services regarding such special assessment of 1-1/2 percent of the gross tax receipts instead of the commissions and fees usually earned for the assessment and collection of county taxes. Further, the services of the tax assessor and the tax collector under this act are hereby declared to be special services performed directly for the district, and any payment therefor shall not be considered of the general income of such official nor come under sections 116.03 and 145.121, Florida Statutes. After deducting therefrom the said fees, the tax collector shall deposit the funds into a depository designated by the Board of Trustees of the district for the account of the district. For the purpose of determining property subject to the district tax, an "improved residential parcel" shall be construed to mean a lot or lots on which a mobile home has been erected as of January 1 of the taxable year. The district tax shall not be an ad valorem tax but rather shall be a unit tax assessed equally against all improved residential parcels.

Section 8. The district may acquire and hold property, sue and be sued, enter into contracts, and perform other functions necessary or desirable to the carrying out of the provisions and intent of this act. No debt shall be created without the approval of the Board of Trustees.

Section 9. The district tax shall be a lien upon each improved residential parcel of land so assessed until said tax has been paid, and shall be considered a part of the Manatee County tax, subject to the same penalties, charges, fees, and remedies for enforcement and collection as provided by the laws of the state for the collection of such taxes.

Section 10. The proceeds for said tax and the funds of the district shall be deposited in the name of the district in a bank or savings and loan association or building and loan association authorized to receive deposits of county funds, which depository shall be designated by resolution of the Board of Trustees. No funds of the district shall be disbursed save and except by check or draft signed by the chair and treasurer of the board or, in the absence of either, by another trustee designated for that purpose by the board.

Section 11. Trustees shall hold office for a term of 2 years, and may succeed themselves. All vacancies occurring in the Board of Trustees for any cause shall be filled for the unexpired term by the remaining trustees by the appointment of a successor trustee or trustees from among the qualified electors of said district as herein defined. Any trustee failing to discharge the duties of his or her position may be removed for cause by the Board of Trustees, after due notice and an opportunity to be heard upon charges of malfeasance or misfeasance.

Section 12. The fiscal year of the district shall commence January 1. The trustees shall, on or before April 1 of each year, prepare an annual financial statement of income and disbursements during the prior fiscal year. On or before April 1 of each year, the trustees shall prepare and adopt an itemized budget showing the amount of money necessary for the operation of the district for the next fiscal year, and the district tax to be assessed and collected upon the taxable property of the district for the next ensuing year. Such financial statement shall be published once during the month of April each year in a newspaper of general circulation within the county. A copy of said statement and a copy of said budget shall also be furnished by mail to each taxpayer within the district within 30 days after its preparation and a copy made available for public inspection at the principal office of the district at reasonable hours.

Section 13. The property of the district shall consist of the recreational hall, shuffleboard courts, marina, playgrounds, walks, and other property and improvements now or hereafter erected or purchased by the trustees for the district, as well as any other real or personal property which the trustees of the district may, in their discretion, determine to be necessary or convenient for the purposes of the district. In addition thereto, for the comfort and convenience of taxpayers within the district, the trustees may in their discretion assume the cost of installing and maintaining entrance parkways and street lighting within the district and may acquire and dispose of any other facilities for the general purpose of the district.

Section 14. Persons entitled to use the facilities and property of the district shall be limited to property owners within the district, their family members and guests, and such other persons and groups as the trustees may authorize from time to time.

Section 15. The trustees shall supervise all real and personal property owned by the district, and shall have the following powers in addition to those already herein enumerated:

(a) To negotiate purchases and to purchase real and personal property on behalf of the district and to pay for such purchases with either cash or by the issuance of bonds or revenue certificates.

(b) To determine and fix the tax to be assessed annually within the district.

(c) To enter into contracts on behalf of the district.

(d) To incur obligations on behalf of the district, including the power to issue bonds, notes, and other evidence of indebtedness of the district for the purpose of obtaining funds for the operation of the district, including the purchase of land, buildings, and other improvements; provided, however, that the aggregate amount of all obligations of the district payable in any fiscal year shall not exceed the aggregate amount of all revenue received by the district from all sources during such fiscal year. Bonds, notes, or other certificates of indebtedness issued by the district may be secured by the pledge of tax revenues obtained by the district, as well as by mortgage of property owned by the district.

(e) To issue its bonds to finance, in whole or in part, the cost of construction, acquisition, or improvements of real and personal property of the district. The trustees, in determining such costs, may include all costs and estimated costs of the issuance of said bonds, all engineering, inspection, fiscal, and legal expenses, all costs of preliminary surveys, plans, maps, and specifications, initial reserve funds for debt service, the costs of the services of persons, firms, corporations, partnerships, or associations employed, or consultants, advisors, engineers, or fiscal, financial, or other experts in the planning, preparation, and financing of the district. The trustees are hereby authorized to employ and to enter into agreements or contracts with consultants, engineers, attorneys, or fiscal, financial, or other experts for the planning, preparation, and financing of the district, or any asset thereof, upon such terms and conditions as the trustees shall deem desirable and proper. The district may pledge to the punctual payment of bonds or revenue certificates issued pursuant to this act, and interest thereon, an amount of the revenue derived from the facilities and services of the district, including acquisitions, extensions, and improvements thereof sufficient to pay said bonds and the interest thereon as the same shall become due and to create and maintain reasonable reserves therefor.

(f) To buy, sell, rent, or lease real and personal property in the name of the district; to deliver purchase money notes and mortgages or to assume the obligation of existing mortgages in connection with the acquisition of property of the district; and to receive gifts of real or personal property.

(g) To promulgate reasonable rules and regulations governing the use of the facilities of the district.

(h) To provide trash and garbage collection and central television antenna signals and services for the benefit of all persons residing within the district, to own, operate, and maintain the necessary equipment and apparatus, or to contract with others to provide such services, and to hold such franchises as may be necessary or desirable to provide such services.

(i) To use district funds in the administration and enforcement of the deed restriction as filed in the Manatee County public records for properties within the district.

(j) To recover all costs and reasonable attorney's fees in addition to other appropriate relief should the trustees be the prevailing party in any litigation, and in any appellate proceedings, involving the enforcement of this act and/or the deed restrictions as filed in the Manatee County public records.

Section 16. The construction, acquisition, or improvements of real or personal property of the district, or the refunding of any bonds or other obligations issued for such purposes, may be authorized under this act. Bonds may be authorized to be issued under this act to provide funds for such purposes by resolution or resolutions of the trustees, which may be adopted at the same meeting at which they were introduced and may be adopted by a majority of the members thereof, and shall take effect immediately upon adoption and need not be published or posted. Said bonds shall bear interest at such rate or rates not exceeding 6 percent per annum, payable semiannually, may be in one or more series, may bear such date or dates, may mature at such time or times not exceeding 40 years from their respective dates, may be made payable in such medium of payment, at such place, within or without the state, may carry such registration privileges, may be subject to such terms of redemption, with or without premium, may be executed in such manner, may contain such terms, covenants, and conditions, and may be in such form, either coupon or registered, as such resolution or subsequent resolution may provide. Said bonds may be sold all at one time or in blocks from time to time, at public or private sale, or if refunding bonds, may also be delivered and exchanged for the outstanding obligations to be refunded thereby, in such manner as the trustees shall determine by resolution, and at such price or prices computed according to standard tables of bond value as will yield to the purchasers or the holders of the obligations surrendered in exchange in the case of refunding bonds, income at a rate not exceeding 6 percent per annum to the maturity dates of the several bonds so sold or exchanged on the money paid or the principal amount of obligations surrendered therefor to the district. Pending the preparation of the definitive bonds, interim certificates or receipts or temporary bonds in such form and with such provisions as the trustees may determine may be issued to the purchaser or purchasers of the bonds sold pursuant to this act. Said bonds, and such interim certificates or receipts or temporary bonds, shall be fully negotiable.

Section 17. A record shall be kept of all meetings of the Board of Trustees and in such meetings a concurrence of a majority of said trustees shall be necessary for any affirmative action taken by the board. Said trustees may adopt such rules and regulations, not inconsistent with any portion of this act, as they may deem necessary or convenient in and about the transaction of the business of the board and in carrying out the provisions of this act.

Section 18. For the general purposes of this act, each parcel of improved residential property in said district is hereby declared to be uniformly and generally benefited by the provisions hereof.

Section 19. The district hereby created may be abolished by a majority vote of the qualified electors in the district at an election called by the trustees of the district for such purpose, which election shall be held and notice thereof given under the same requirements as are set forth hereunder for the election of trustees and the levying and collecting of the district tax. However, the district shall not be abolished while it has outstanding indebtedness without first making adequate provisions for the liquidation of such outstanding indebtedness.

Section 20. Trustees not guilty of malfeasance in office shall be relieved of any personal liability for any acts done by them while holding office in the district; any trustee who is made a party to any action, suit, or proceeding solely by reason of his or her holding office in the district shall be indemnified by the district against reasonable expenses, including attorney's fees, incurred by him or her in defending such suit, action, or proceeding, except with respect to matters wherein it shall be adjudged in such proceeding that such trustee is liable for negligence or misconduct in the performance of his or her duties.

Section 21. The word "district" means the special park and recreation district hereby organized; the words "board," "trustees," and "Board of Trustees" mean the Board of Trustees of and for the special park and recreation district hereby created when used in this act, unless otherwise specified.

Section 22. (a) Notwithstanding any provisions to the contrary (as may now appear in section 8, section 13, or section 15), the trustees of Trailer Estates Park and Recreation District shall not enter into any contract involving the initial purchase, lease, conveyance, or other manner of acquisition of real or tangible personal property constituting recreational facilities, which presently exist within the territory included in the Trailer Estates Park and Recreation District, in any instance when the cost price or consideration therefor exceeds $25,000 including all obligations proposed to be assumed in connection with such acquisition, unless:

(1) The trustees by two-thirds vote have approved the terms and conditions of such acquisition by written resolution;

(2) Within not less than 30 nor more than 60 days after the date of the resolution, the trustees certify the resolution to the supervisor of elections of Manatee County for a referendum election; and

(3) A majority of qualified electors of the district voting in a referendum election approve the resolution.

(b) The qualifications of voters, notice, and procedure for this referendum shall be the same as set forth herein for the election of trustees and for special referendum elections.

Section 4. *Chapters 69-1287, 70-796, 72-612, 73-546, 76-420, 76-423, 81-428, 90-447, 94-413, and 96-442, Laws of Florida, are repealed.*

Section 5. *In the event of a conflict of the provisions of this act with the provisions of any other act, the provisions of this act shall control to the extent of such conflict.*

Section 6. *The provisions of this act shall be liberally construed in order to effectively carry out the purpose of this act in the interest of the public.*

Section 7. This act shall take effect upon becoming a law.

And the title is amended as follows:

On page 1, line 2,
remove: the entire title

and insert: An act relating to the Trailer Estates Park and Recreation District, Manatee County; codifying, reenacting, amending, and repealing special acts relating to the district; providing for the administration of the affairs of said district by a board of nine trustees and defining their powers and duties; providing for the qualification of electors in the district and for annual election of trustees; providing for removal of trustees and appointment to fill vacancies; providing for the assessment and collection of a recreation district tax assessed against each improved residential parcel of real property within the district; providing that such district tax shall be a lien against each parcel of land so assessed and for the method of collecting such tax; providing for the deposit and disbursement of funds of the district; establishing a fiscal year and providing for publication of annual financial statements; authorizing the trustees of the district to issue bonds and other obligations of the district and to secure the same by pledge of tax revenues and other property of the district; authorizing the trustees of the district to acquire and dispose of real and personal property for the general purpose of the district; authorizing the trustees of the district to promulgate rules and regulations for the use of facilities of the district; providing for the abolishment of the district; providing conditions precedent to the filing of suit against the district or any of the trustees thereof, and relieving individual trustees from personal liability for obligations of the district; defining terms; providing an effective date.

Rep. Bennett moved the adoption of the amendment, which was adopted.

On motion by Rep. Bennett, the rules were waived and HB 981, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 899

Yeas—112

The Chair	Cantens	Hart	Mealor
Alexander	Carassas	Henriquez	Melvin
Allen	Clarke	Heyman	Murman
Andrews	Cusack	Hogan	Needelman
Argenziano	Davis	Holloway	Negron
Arza	Detert	Jennings	Paul
Attkisson	Diaz de la Portilla	Johnson	Peterman
Atwater	Dockery	Jordan	Pickens
Ausley	Evers	Joyner	Prieguez
Baker	Farkas	Kallinger	Rich
Ball	Fasano	Kendrick	Richardson
Barreiro	Feeney	Kilmer	Ritter
Baxley	Fields	Kosmas	Romeo
Bean	Fiorentino	Kottkamp	Ross
Bendross-Mindingall	Frankel	Kravitz	Russell
Bennett	Gannon	Kyle	Ryan
Bense	Garcia	Lacasa	Seiler
Benson	Gardiner	Lee	Simmons
Berfield	Gelber	Lerner	Smith
Betancourt	Gibson	Littlefield	Sorensen
Bilirakis	Goodlette	Lynn	Spratt
Bowen	Gottlieb	Machek	Stansel
Brown	Green	Mack	Trovillion
Brummer	Greenstein	Mahon	Waters
Brutus	Haridopolos	Mayfield	Weissman
Bucher	Harper	Maygarden	Wiles
Bullard	Harrell	McGriff	Wilson
Byrd	Harrington	Meadows	Wishner

Nays—None

Votes after roll call:
Yeas—Flanagan, Siplin, Slosberg

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

HB 985—A bill to be entitled An act relating to the Central Broward Water Control District, Broward County; amending chapter 98-501, Laws of Florida; providing for the election of commissioners; providing for redistricting of commissioners' zones; providing for qualifying dates; revising provisions relating to terms of office; providing an effective date.

—was read the second time by title.

The Committee on Local Government & Veterans Affairs offered the following:

(Amendment Bar Code: 231989)

Amendment 1—On page 1, lines 24 through 25,
remove: All of said lines

and insert:

1, 2, and 6 shall be elected in the general election of November 2002. Commissioners from zones 3, 4, and 5 shall be

Rep. Ritter moved the adoption of the amendment, which was adopted.

On motion by Rep. Ritter, the rules were waived and HB 985, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 899

Yeas—112

The Chair	Cantens	Hart	Mealor
Alexander	Carassas	Henriquez	Melvin
Allen	Clarke	Heyman	Murman
Andrews	Cusack	Hogan	Needelman
Argenziano	Davis	Holloway	Negron
Arza	Detert	Jennings	Paul
Attkisson	Diaz de la Portilla	Johnson	Peterman
Atwater	Dockery	Jordan	Pickens
Ausley	Evers	Joyner	Prieguez
Baker	Farkas	Kallinger	Rich
Ball	Fasano	Kendrick	Richardson
Barreiro	Feeney	Kilmer	Ritter
Baxley	Fields	Kosmas	Romeo
Bean	Fiorentino	Kottkamp	Ross
Bendross-Mindingall	Frankel	Kravitz	Russell
Bennett	Gannon	Kyle	Ryan
Bense	Garcia	Lacasa	Seiler
Benson	Gardiner	Lee	Simmons
Berfield	Gelber	Lerner	Smith
Betancourt	Gibson	Littlefield	Sorensen
Bilirakis	Goodlette	Lynn	Spratt
Bowen	Gottlieb	Machek	Stansel
Brown	Green	Mack	Trovillion
Brummer	Greenstein	Mahon	Waters
Brutus	Haridopolos	Mayfield	Weissman
Bucher	Harper	Maygarden	Wiles
Bullard	Harrell	McGriff	Wilson
Byrd	Harrington	Meadows	Wishner

Nays—None

Votes after roll call:
Yeas—Flanagan, Siplin, Slosberg

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

HB 995—A bill to be entitled An act relating to the Cities of Coral Springs, Coconut Creek, and Margate, Broward County; clarifying and delineating the corporate limits of the Cities of Coral Springs, Coconut Creek, and Margate to include specified lands within said corporate limits; providing an effective date.

—was read the second time by title. On motion by Rep. Ritter, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 899

Yeas—112

The Chair	Berfield	Evers	Harrell
Alexander	Betancourt	Farkas	Harrington
Allen	Bilirakis	Fasano	Hart
Andrews	Bowen	Feeney	Henriquez
Argenziano	Brown	Fields	Heyman
Arza	Brummer	Fiorentino	Hogan
Attkisson	Brutus	Frankel	Holloway
Atwater	Bucher	Gannon	Jennings
Ausley	Bullard	Garcia	Johnson
Baker	Byrd	Gardiner	Jordan
Ball	Cantens	Gelber	Joyner
Barreiro	Carassas	Gibson	Kallinger
Baxley	Clarke	Goodlette	Kendrick
Bean	Cusack	Gottlieb	Kilmer
Bendross-Mindingall	Davis	Green	Kosmas
Bennett	Detert	Greenstein	Kottkamp
Bense	Diaz de la Portilla	Haridopolos	Kravitz
Benson	Dockery	Harper	Kyle

Lacasa	McGriff	Prieguez	Smith
Lee	Meadows	Rich	Sorensen
Lerner	Mealor	Richardson	Spratt
Littlefield	Melvin	Ritter	Stansel
Lynn	Murman	Romeo	Trovillion
Machek	Needelman	Ross	Waters
Mack	Negron	Russell	Weissman
Mahon	Paul	Ryan	Wiles
Mayfield	Peterman	Seiler	Wilson
Maygarden	Pickens	Simmons	Wishner

Nays—None

Votes after roll call:
Yeas—Flanagan, Siplin, Slosberg

So the bill passed and was immediately certified to the Senate.

HB 997—A bill to be entitled An act relating to Bayshore Gardens Park and Recreation District, Manatee County; providing for codification; providing legislative intent; providing district status and boundaries; providing for applicability of chapters 418 and 189, Florida Statutes, and other general laws; providing a district charter; providing for liberal construction; providing for severability; repealing chapters 79-509 and 97-357, Laws of Florida; providing an effective date.

—was read the second time by title. On motion by Rep. Bennett, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 899

Yeas—112

The Chair	Cantens	Hart	Mealor
Alexander	Carassas	Henriquez	Melvin
Allen	Clarke	Heyman	Murman
Andrews	Cusack	Hogan	Needelman
Argenziano	Davis	Holloway	Negron
Arza	Detert	Jennings	Paul
Attkisson	Diaz de la Portilla	Johnson	Peterman
Atwater	Dockery	Jordan	Pickens
Ausley	Evers	Joyner	Prieguez
Baker	Farkas	Kallinger	Rich
Ball	Fasano	Kendrick	Richardson
Barreiro	Feeney	Kilmer	Ritter
Baxley	Fields	Kosmas	Romeo
Bean	Fiorentino	Kottkamp	Ross
Bendross-Mindingall	Frankel	Kravitz	Russell
Bennett	Gannon	Kyle	Ryan
Bense	Garcia	Lacasa	Seiler
Benson	Gardiner	Lee	Simmons
Berfield	Gelber	Lerner	Smith
Betancourt	Gibson	Littlefield	Sorensen
Bilirakis	Goodlette	Lynn	Spratt
Bowen	Gottlieb	Machek	Stansel
Brown	Green	Mack	Trovillion
Brummer	Greenstein	Mahon	Waters
Brutus	Haridopolos	Mayfield	Weissman
Bucher	Harper	Maygarden	Wiles
Bullard	Harrell	McGriff	Wilson
Byrd	Harrington	Meadows	Wishner

Nays—None

Votes after roll call:
Yeas—Flanagan, Siplin, Slosberg

So the bill passed and was immediately certified to the Senate.

HB 1005—A bill to be entitled An act relating to Glades County; providing for career service; specifying rights of certain employees of the Glades County Sheriff; providing definitions; providing proceedings and provisions with respect to dismissal; providing for transition between administrations; providing for appeals procedures; providing for career appeals boards; providing an effective date.

—was read the second time by title. On motion by Rep. Spratt, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 899

Yeas—112

The Chair	Cantens	Hart	Mealor
Alexander	Carassas	Henriquez	Melvin
Allen	Clarke	Heyman	Murman
Andrews	Cusack	Hogan	Needelman
Argenziano	Davis	Holloway	Negron
Arza	Detert	Jennings	Paul
Attkisson	Diaz de la Portilla	Johnson	Peterman
Atwater	Dockery	Jordan	Pickens
Ausley	Evers	Joyner	Prieguez
Baker	Farkas	Kallinger	Rich
Ball	Fasano	Kendrick	Richardson
Barreiro	Feeney	Kilmer	Ritter
Baxley	Fields	Kosmas	Romeo
Bean	Fiorentino	Kottkamp	Ross
Bendross-Mindingall	Frankel	Kravitz	Russell
Bennett	Gannon	Kyle	Ryan
Bense	Garcia	Lacasa	Seiler
Benson	Gardiner	Lee	Simmons
Berfield	Gelber	Lerner	Smith
Betancourt	Gibson	Littlefield	Sorensen
Bilirakis	Goodlette	Lynn	Spratt
Bowen	Gottlieb	Machek	Stansel
Brown	Green	Mack	Trovillion
Brummer	Greenstein	Mahon	Waters
Brutus	Haridopolos	Mayfield	Weissman
Bucher	Harper	Maygarden	Wiles
Bullard	Harrell	McGriff	Wilson
Byrd	Harrington	Meadows	Wishner

Nays—None

Votes after roll call:
Yeas—Flanagan, Siplin, Slosberg

So the bill passed and was immediately certified to the Senate.

HB 1017—A bill to be entitled An act relating to the Plantation Acres Improvement District, Broward County; providing for codification of special laws relating to the Plantation Acres Improvement District pursuant to section 189.429, Florida Statutes; providing legislative intent; codifying, reenacting, and amending chapters 67-924, 82-274, 86-355, and 99-426, Laws of Florida; providing for creation, status, charter amendments, and boundaries; providing for applicability of certain provisions of chapter 298, Florida Statutes; providing definitions; providing for a board of supervisors and powers and duties; providing for a district manager and treasurer; providing for board member compensation; providing for a seal; authorizing the board to establish its fiscal year; providing annual budget procedures; providing for a water control plan; providing for assessments and taxes; authorizing the issuance of bonds; providing for liens; providing for use of district facilities and services; requiring bids for certain purchases; authorizing the district's use of rights-of-way; authorizing the board to enter into agreements with other political bodies; providing for action by landowners; providing for enforcement and penalties; exempting district property from execution; providing minimum charter requirements in accordance with section 189.404, Florida Statutes; providing for construction, effect, and conflict; repealing chapters 67-924, 82-274, 86-355, and 99-426, Laws of Florida; providing an effective date.

—was read the second time by title. On motion by Rep. Ritter, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 899

Yeas—112

The Chair	Cantens	Hart	Mealor
Alexander	Carassas	Henriquez	Melvin
Allen	Clarke	Heyman	Murman
Andrews	Cusack	Hogan	Needelman
Argenziano	Davis	Holloway	Negron
Arza	Detert	Jennings	Paul
Attkisson	Diaz de la Portilla	Johnson	Peterman
Atwater	Dockery	Jordan	Pickens
Ausley	Evers	Joyner	Prieguez
Baker	Farkas	Kallinger	Rich
Ball	Fasano	Kendrick	Richardson
Barreiro	Feeney	Kilmer	Ritter
Baxley	Fields	Kosmas	Romeo
Bean	Fiorentino	Kottkamp	Ross
Bendross-Mindingall	Frankel	Kravitz	Russell
Bennett	Gannon	Kyle	Ryan
Bense	Garcia	Lacasa	Seiler
Benson	Gardiner	Lee	Simmons
Berfield	Gelber	Lerner	Smith
Betancourt	Gibson	Littlefield	Sorensen
Bilirakis	Goodlette	Lynn	Spratt
Bowen	Gottlieb	Machek	Stansel
Brown	Green	Mack	Trovillion
Brummer	Greenstein	Mahon	Waters
Brutus	Haridopolos	Mayfield	Weissman
Bucher	Harper	Maygarden	Wiles
Bullard	Harrell	McGriff	Wilson
Byrd	Harrington	Meadows	Wishner

Nays—None

Votes after roll call:
Yeas—Flanagan, Siplin, Slosberg

So the bill passed and was immediately certified to the Senate.

CS/HB 1031—A bill to be entitled An act relating to Brevard County; codifying, pursuant to s. 189.429, F.S., special acts relating to the A. Max Brewer Memorial Law Library; amending, reenacting, and codifying chapter 30599, Laws of Florida, 1955, and chapters 57-1155, 61-1916, and 74-431, Laws of Florida; providing legislative intent; providing a district charter; eliminating obsolete provisions; repealing chapter 30599, Laws of Florida, 1955, and chapters 57-1155, 61-1916, and 74-431, Laws of Florida; providing severability; providing an effective date.

—was read the second time by title. On motion by Rep. Ball, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 899

Yeas—112

The Chair	Bennett	Clarke	Gardiner
Alexander	Bense	Cusack	Gelber
Allen	Benson	Davis	Gibson
Andrews	Berfield	Detert	Goodlette
Argenziano	Betancourt	Diaz de la Portilla	Gottlieb
Arza	Bilirakis	Dockery	Green
Attkisson	Bowen	Evers	Greenstein
Atwater	Brown	Farkas	Haridopolos
Ausley	Brummer	Fasano	Harper
Baker	Brutus	Feeney	Harrell
Ball	Bucher	Fields	Harrington
Barreiro	Bullard	Fiorentino	Hart
Baxley	Byrd	Frankel	Henriquez
Bean	Cantens	Gannon	Heyman
Bendross-Mindingall	Carassas	Garcia	Hogan
Holloway	Lee	Murman	Ryan
Jennings	Lerner	Needelman	Seiler
Johnson	Littlefield	Negron	Simmons
Jordan	Lynn	Paul	Smith
Joyner	Machek	Peterman	Sorensen
Kallinger	Mack	Pickens	Spratt
Kendrick	Mahon	Prieguez	Stansel
Kilmer	Mayfield	Rich	Trovillion
Kosmas	Maygarden	Richardson	Waters
Kottkamp	McGriff	Ritter	Weissman
Kravitz	Meadows	Romeo	Wiles
Kyle	Mealor	Ross	Wilson
Lacasa	Melvin	Russell	Wishner

Nays—None

Votes after roll call:
Yeas—Flanagan, Siplin, Slosberg

So the bill passed and was immediately certified to the Senate.

HB 1033—A bill to be entitled An act relating to the Bayshore Fire Protection and Rescue Service District, Lee County; providing for codification of special laws relating to the District; amending, codifying, reenacting, and repealing all prior special acts; providing definitions; providing for creation, status, charter amendments, and boundaries; providing for a board of commissioners and powers, duties, and responsibilities; providing authority to levy ad valorem taxes and non-ad valorem assessments; providing for the District's fiscal year; providing for deposit of District funds; authorizing the District to borrow money; providing for use of District funds; authorizing the board to adopt policies, regulations, and a fire prevention code; providing for liberal construction; providing severability; providing an effective date.

—was read the second time by title. On motion by Rep. Green, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 899

Yeas—112

The Chair	Cantens	Hart	Mealor
Alexander	Carassas	Henriquez	Melvin
Allen	Clarke	Heyman	Murman
Andrews	Cusack	Hogan	Needelman
Argenziano	Davis	Holloway	Negron
Arza	Detert	Jennings	Paul
Attkisson	Diaz de la Portilla	Johnson	Peterman
Atwater	Dockery	Jordan	Pickens
Ausley	Evers	Joyner	Prieguez
Baker	Farkas	Kallinger	Rich
Ball	Fasano	Kendrick	Richardson
Barreiro	Feeney	Kilmer	Ritter
Baxley	Fields	Kosmas	Romeo
Bean	Fiorentino	Kottkamp	Ross
Bendross-Mindingall	Frankel	Kravitz	Russell
Bennett	Gannon	Kyle	Ryan
Bense	Garcia	Lacasa	Seiler
Benson	Gardiner	Lee	Simmons
Berfield	Gelber	Lerner	Smith
Betancourt	Gibson	Littlefield	Sorensen
Bilirakis	Goodlette	Lynn	Spratt
Bowen	Gottlieb	Machek	Stansel
Brown	Green	Mack	Trovillion
Brummer	Greenstein	Mahon	Waters
Brutus	Haridopolos	Mayfield	Weissman
Bucher	Harper	Maygarden	Wiles
Bullard	Harrell	McGriff	Wilson
Byrd	Harrington	Meadows	Wishner

Nays—None

Votes after roll call:
Yeas—Flanagan, Siplin, Slosberg

So the bill passed and was immediately certified to the Senate.

HB 1035—A bill to be entitled An act relating to the Fort Myers Beach Public Library District, Lee County; providing legislative intent; providing for codification of the special laws relating to the Fort Myers Beach Public Library District pursuant to section 189.429, Florida Statutes; codifying, reenacting, and amending all prior special acts; creating and establishing a public library district as an independent district in Lee County and fixing the boundaries of the District; providing for a governing body; prescribing the powers of the board; authorizing the board to make policies, rules, and regulations; providing for assessing and collecting taxes and assessments; providing for liberal construction; providing for severability; repealing chapters 65-1823, 75-418, 79-489, 79-491, 81-414, 85-441, and 91-404, Laws of Florida, relating to the District; providing an effective date.

—was read the second time by title. On motion by Rep. Green, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 899

Yeas—112

The Chair	Cantens	Hart	Mealor
Alexander	Carassas	Henriquez	Melvin
Allen	Clarke	Heyman	Murman
Andrews	Cusack	Hogan	Needelman
Argenziano	Davis	Holloway	Negron
Arza	Detert	Jennings	Paul
Attkisson	Diaz de la Portilla	Johnson	Peterman
Atwater	Dockery	Jordan	Pickens
Ausley	Evers	Joyner	Prieguez
Baker	Farkas	Kallinger	Rich
Ball	Fasano	Kendrick	Richardson
Barreiro	Feeney	Kilmer	Ritter
Baxley	Fields	Kosmas	Romeo
Bean	Fiorentino	Kottkamp	Ross
Bendross-Mindingall	Frankel	Kravitz	Russell
Bennett	Gannon	Kyle	Ryan
Bense	Garcia	Lacasa	Seiler
Benson	Gardiner	Lee	Simmons
Berfield	Gelber	Lerner	Smith
Betancourt	Gibson	Littlefield	Sorensen
Bilirakis	Goodlette	Lynn	Spratt
Bowen	Gottlieb	Machek	Stansel
Brown	Green	Mack	Trovillion
Brummer	Greenstein	Mahon	Waters
Brutus	Haridopolos	Mayfield	Weissman
Bucher	Harper	Maygarden	Wiles
Bullard	Harrell	McGriff	Wilson
Byrd	Harrington	Meadows	Wishner

Nays—None

Votes after roll call:
Yeas—Flanagan, Siplin, Slosberg

So the bill passed and was immediately certified to the Senate.

HB 1039—A bill to be entitled An act relating to the City of Cape Coral, Lee County; amending chapter 70-623, Laws of Florida, as amended; extending the territorial limits of the City of Cape Coral; providing an effective date.

—was read the second time by title. On motion by Rep. Kottkamp, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 9001

Yeas—111

The Chair	Cantens	Hart	Mealor
Alexander	Carassas	Henriquez	Melvin
Allen	Clarke	Heyman	Murman
Andrews	Cusack	Hogan	Needelman
Argenziano	Davis	Holloway	Negron
Arza	Detert	Jennings	Peterman
Attkisson	Diaz de la Portilla	Johnson	Pickens
Atwater	Dockery	Jordan	Prieguez
Ausley	Evers	Joyner	Rich
Baker	Farkas	Kallinger	Richardson
Ball	Fasano	Kendrick	Ritter
Barreiro	Feeney	Kilmer	Romeo
Baxley	Fields	Kosmas	Ross
Bean	Fiorentino	Kottkamp	Russell
Bendross-Mindingall	Frankel	Kravitz	Ryan
Bennett	Gannon	Kyle	Seiler
Bense	Garcia	Lacasa	Simmons
Benson	Gardiner	Lee	Smith
Berfield	Gelber	Lerner	Sorensen
Betancourt	Gibson	Littlefield	Spratt
Bilirakis	Goodlette	Lynn	Stansel
Bowen	Gottlieb	Machek	Trovillion
Brown	Green	Mack	Waters
Brummer	Greenstein	Mahon	Weissman
Brutus	Haridopolos	Mayfield	Wiles
Bucher	Harper	Maygarden	Wilson
Bullard	Harrell	McGriff	Wishner
Byrd	Harrington	Meadows	

Nays—1

Paul

So the bill passed and was immediately certified to the Senate.

HB 1041—A bill to be entitled An act relating to the South Trail Fire Protection and Rescue Service District, Lee County; providing for deannexation of certain lands currently included within the district; providing an effective date.

—was read the second time by title. On motion by Rep. Green, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 899

Yeas—112

The Chair	Bowen	Frankel	Jordan
Alexander	Brown	Gannon	Joyner
Allen	Brummer	Garcia	Kallinger
Andrews	Brutus	Gardiner	Kendrick
Argenziano	Bucher	Gelber	Kilmer
Arza	Bullard	Gibson	Kosmas
Attkisson	Byrd	Goodlette	Kottkamp
Atwater	Cantens	Gottlieb	Kravitz
Ausley	Carassas	Green	Kyle
Baker	Clarke	Greenstein	Lacasa
Ball	Cusack	Haridopolos	Lee
Barreiro	Davis	Harper	Lerner
Baxley	Detert	Harrell	Littlefield
Bean	Diaz de la Portilla	Harrington	Lynn
Bendross-Mindingall	Dockery	Hart	Machek
Bennett	Evers	Henriquez	Mack
Bense	Farkas	Heyman	Mahon
Benson	Fasano	Hogan	Mayfield
Berfield	Feeney	Holloway	Maygarden
Betancourt	Fields	Jennings	McGriff
Bilirakis	Fiorentino	Johnson	Meadows

Mealor	Pickens	Russell	Stansel
Melvin	Prieguez	Ryan	Trovillion
Murman	Rich	Seiler	Waters
Needelman	Richardson	Simmons	Weissman
Negron	Ritter	Smith	Wiles
Paul	Romeo	Sorensen	Wilson
Peterman	Ross	Spratt	Wishner

Nays—None

Votes after roll call:
Yeas—Flanagan, Siplin, Slosberg

So the bill passed and was immediately certified to the Senate.

HB 1043—A bill to be entitled An act relating to Lehigh Acres Fire Control and Rescue District, Lee County; providing for deannexation of certain lands currently included within the district; providing an effective date.

—was read the second time by title. On motion by Rep. Green, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 899

Yeas—112

The Chair	Cantens	Hart	Mealor
Alexander	Carassas	Henriquez	Melvin
Allen	Clarke	Heyman	Murman
Andrews	Cusack	Hogan	Needelman
Argenziano	Davis	Holloway	Negron
Arza	Detert	Jennings	Paul
Attkisson	Diaz de la Portilla	Johnson	Peterman
Atwater	Dockery	Jordan	Pickens
Ausley	Evers	Joyner	Prieguez
Baker	Farkas	Kallinger	Rich
Ball	Fasano	Kendrick	Richardson
Barreiro	Feeney	Kilmer	Ritter
Baxley	Fields	Kosmas	Romeo
Bean	Fiorentino	Kottkamp	Ross
Bendross-Mindingall	Frankel	Kravitz	Russell
Bennett	Gannon	Kyle	Ryan
Bense	Garcia	Lacasa	Seiler
Benson	Gardiner	Lee	Simmons
Berfield	Gelber	Lerner	Smith
Betancourt	Gibson	Littlefield	Sorensen
Bilirakis	Goodlette	Lynn	Spratt
Bowen	Gottlieb	Machek	Stansel
Brown	Green	Mack	Trovillion
Brummer	Greenstein	Mahon	Waters
Brutus	Haridopolos	Mayfield	Weissman
Bucher	Harper	Maygarden	Wiles
Bullard	Harrell	McGriff	Wilson
Byrd	Harrington	Meadows	Wishner

Nays—None

Votes after roll call:
Yeas—Flanagan, Siplin, Slosberg

So the bill passed and was immediately certified to the Senate.

HB 1063—A bill to be entitled An act relating to Lafayette County; repealing chapter 80-518, Laws of Florida, which created the Lafayette County Recreation Board; transferring assets and liabilities of the board to the Board of County Commissioners; providing an effective date.

—was read the second time by title. On motion by Rep. Stansel, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 899

Yeas—112

The Chair	Cantens	Hart	Mealor
Alexander	Carassas	Henriquez	Melvin
Allen	Clarke	Heyman	Murman
Andrews	Cusack	Hogan	Needelman
Argenziano	Davis	Holloway	Negron
Arza	Detert	Jennings	Paul
Attkisson	Diaz de la Portilla	Johnson	Peterman
Atwater	Dockery	Jordan	Pickens
Ausley	Evers	Joyner	Prieguez
Baker	Farkas	Kallinger	Rich
Ball	Fasano	Kendrick	Richardson
Barreiro	Feeney	Kilmer	Ritter
Baxley	Fields	Kosmas	Romeo
Bean	Fiorentino	Kottkamp	Ross
Bendross-Mindingall	Frankel	Kravitz	Russell
Bennett	Gannon	Kyle	Ryan
Bense	Garcia	Lacasa	Seiler
Benson	Gardiner	Lee	Simmons
Berfield	Gelber	Lerner	Smith
Betancourt	Gibson	Littlefield	Sorensen
Bilirakis	Goodlette	Lynn	Spratt
Bowen	Gottlieb	Machek	Stansel
Brown	Green	Mack	Trovillion
Brummer	Greenstein	Mahon	Waters
Brutus	Haridopolos	Mayfield	Weissman
Bucher	Harper	Maygarden	Wiles
Bullard	Harrell	McGriff	Wilson
Byrd	Harrington	Meadows	Wishner

Nays—None

Votes after roll call:
Yeas—Flanagan, Siplin, Slosberg

So the bill passed and was immediately certified to the Senate.

HB 1073—A bill to be entitled An act relating to Alachua County; amending the Alachua County Home Rule Charter to authorize the county to adopt by charter amendment restrictions more stringent than those imposed by general law on campaign financing in regard to candidates for elective county offices identified in the charter; providing for a referendum; providing an effective date.

—was read the second time by title. On motion by Rep. McGriff, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 899

Yeas—112

The Chair	Berfield	Evers	Harrell
Alexander	Betancourt	Farkas	Harrington
Allen	Bilirakis	Fasano	Hart
Andrews	Bowen	Feeney	Henriquez
Argenziano	Brown	Fields	Heyman
Arza	Brummer	Fiorentino	Hogan
Attkisson	Brutus	Frankel	Holloway
Atwater	Bucher	Gannon	Jennings
Ausley	Bullard	Garcia	Johnson
Baker	Byrd	Gardiner	Jordan
Ball	Cantens	Gelber	Joyner
Barreiro	Carassas	Gibson	Kallinger
Baxley	Clarke	Goodlette	Kendrick
Bean	Cusack	Gottlieb	Kilmer
Bendross-Mindingall	Davis	Green	Kosmas
Bennett	Detert	Greenstein	Kottkamp
Bense	Diaz de la Portilla	Haridopolos	Kravitz
Benson	Dockery	Harper	Kyle

Lacasa	McGriff	Prieguez	Smith
Lee	Meadows	Rich	Sorensen
Lerner	Mealor	Richardson	Spratt
Littlefield	Melvin	Ritter	Stansel
Lynn	Murman	Romeo	Trovillion
Machek	Needelman	Ross	Waters
Mack	Negron	Russell	Weissman
Mahon	Paul	Ryan	Wiles
Mayfield	Peterman	Seiler	Wilson
Maygarden	Pickens	Simmons	Wishner

Nays—None

Votes after roll call:
Yeas—Flanagan, Siplin, Slosberg

So the bill passed and was immediately certified to the Senate.

HB 1099—A bill to be entitled An act relating to Escambia County; amending s. 1, ch. 57-1291, Laws of Florida; providing an exception for stormwater management facilities to a requirement of enclosures around certain depressions; providing an effective date.

—was read the second time by title. On motion by Rep. Benson, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 899

Yeas—112

The Chair	Cantens	Hart	Mealor
Alexander	Carassas	Henriquez	Melvin
Allen	Clarke	Heyman	Murman
Andrews	Cusack	Hogan	Needelman
Argenziano	Davis	Holloway	Negron
Arza	Detert	Jennings	Paul
Attkisson	Diaz de la Portilla	Johnson	Peterman
Atwater	Dockery	Jordan	Pickens
Ausley	Evers	Joyner	Prieguez
Baker	Farkas	Kallinger	Rich
Ball	Fasano	Kendrick	Richardson
Barreiro	Feeney	Kilmer	Ritter
Baxley	Fields	Kosmas	Romeo
Bean	Fiorentino	Kottkamp	Ross
Bendross-Mindingall	Frankel	Kravitz	Russell
Bennett	Gannon	Kyle	Ryan
Bense	Garcia	Lacasa	Seiler
Benson	Gardiner	Lee	Simmons
Berfield	Gelber	Lerner	Smith
Betancourt	Gibson	Littlefield	Sorensen
Bilirakis	Goodlette	Lynn	Spratt
Bowen	Gottlieb	Machek	Stansel
Brown	Green	Mack	Trovillion
Brummer	Greenstein	Mahon	Waters
Brutus	Haridopolos	Mayfield	Weissman
Bucher	Harper	Maygarden	Wiles
Bullard	Harrell	McGriff	Wilson
Byrd	Harrington	Meadows	Wishner

Nays—None

Votes after roll call:
Yeas—Flanagan, Siplin, Slosberg

So the bill passed and was immediately certified to the Senate.

HB 1183—A bill to be entitled An act relating to Lee County and the City of Fort Myers; amending section 4, chapter 98-488, Laws of Florida, as amended; providing for the addition of a special election that may be conducted by the city for the interlocal agreement approval referendum; providing an effective date.

—was read the second time by title. On motion by Rep. Kyle, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 899

Yeas—112

The Chair	Cantens	Hart	Mealor
Alexander	Carassas	Henriquez	Melvin
Allen	Clarke	Heyman	Murman
Andrews	Cusack	Hogan	Needelman
Argenziano	Davis	Holloway	Negron
Arza	Detert	Jennings	Paul
Attkisson	Diaz de la Portilla	Johnson	Peterman
Atwater	Dockery	Jordan	Pickens
Ausley	Evers	Joyner	Prieguez
Baker	Farkas	Kallinger	Rich
Ball	Fasano	Kendrick	Richardson
Barreiro	Feeney	Kilmer	Ritter
Baxley	Fields	Kosmas	Romeo
Bean	Fiorentino	Kottkamp	Ross
Bendross-Mindingall	Frankel	Kravitz	Russell
Bennett	Gannon	Kyle	Ryan
Bense	Garcia	Lacasa	Seiler
Benson	Gardiner	Lee	Simmons
Berfield	Gelber	Lerner	Smith
Betancourt	Gibson	Littlefield	Sorensen
Bilirakis	Goodlette	Lynn	Spratt
Bowen	Gottlieb	Machek	Stansel
Brown	Green	Mack	Trovillion
Brummer	Greenstein	Mahon	Waters
Brutus	Haridopolos	Mayfield	Weissman
Bucher	Harper	Maygarden	Wiles
Bullard	Harrell	McGriff	Wilson
Byrd	Harrington	Meadows	Wishner

Nays—None

Votes after roll call:
Yeas—Flanagan, Siplin, Slosberg

So the bill passed and was immediately certified to the Senate.

HB 1359—A bill to be entitled An act relating to the Shawano Water Control District, Palm Beach County; providing for codification of special laws regarding special districts pursuant to section 189.429, Florida Statutes, relating to Shawano Water Control District, a special tax district in Palm Beach County; providing legislative intent; codifying, repealing, amending, and reenacting chapters 11864 (1927), 13579 (1929), 24254 (1947), 25328 (1949), 28406 (1953), 57-448, 59-636, and 63-863, Laws of Florida; providing for minimum charter requirements; providing district status and boundaries; providing for applicability of chapters 298 and 189, Florida Statutes, and other general laws; providing a district charter; providing for ratification of prior acts; providing for liberal construction; providing a saving clause in the event any provision of the act is deemed invalid; providing an effective date.

—was read the second time by title. On motion by Rep. Harper, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 899

Yeas—112

The Chair	Ball	Bilirakis	Clarke
Alexander	Barreiro	Bowen	Cusack
Allen	Baxley	Brown	Davis
Andrews	Bean	Brummer	Detert
Argenziano	Bendross-Mindingall	Brutus	Diaz de la Portilla
Arza	Bennett	Bucher	Dockery
Attkisson	Bense	Bullard	Evers
Atwater	Benson	Byrd	Farkas
Ausley	Berfield	Cantens	Fasano
Baker	Betancourt	Carassas	Feeney

Fields	Heyman	Lynn	Richardson
Fiorentino	Hogan	Machek	Ritter
Frankel	Holloway	Mack	Romeo
Gannon	Jennings	Mahon	Ross
Garcia	Johnson	Mayfield	Russell
Gardiner	Jordan	Maygarden	Ryan
Gelber	Joyner	McGriff	Seiler
Gibson	Kallinger	Meadows	Simmons
Goodlette	Kendrick	Mealor	Smith
Gottlieb	Kilmer	Melvin	Sorensen
Green	Kosmas	Murman	Spratt
Greenstein	Kottkamp	Needelman	Stansel
Haridopolos	Kravitz	Negron	Trovillion
Harper	Kyle	Paul	Waters
Harrell	Lacasa	Peterman	Weissman
Harrington	Lee	Pickens	Wiles
Hart	Lerner	Prieguez	Wilson
Henriquez	Littlefield	Rich	Wishner

Nays—None

Votes after roll call:
Yeas—Flanagan, Siplin, Slosberg

So the bill passed and was immediately certified to the Senate.

HB 1677—A bill to be entitled An act relating to the Baker Fire District, Okaloosa County; amending s. 2 of ch. 2000-434, Laws of Florida; revising boundaries of the district; providing an effective date.

—was read the second time by title. On motion by Rep. Melvin, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 899

Yeas—112

The Chair	Cantens	Hart	Mealor
Alexander	Carassas	Henriquez	Melvin
Allen	Clarke	Heyman	Murman
Andrews	Cusack	Hogan	Needelman
Argenziano	Davis	Holloway	Negron
Arza	Detert	Jennings	Paul
Attkisson	Diaz de la Portilla	Johnson	Peterman
Atwater	Dockery	Jordan	Pickens
Ausley	Evers	Joyner	Prieguez
Baker	Farkas	Kallinger	Rich
Ball	Fasano	Kendrick	Richardson
Barreiro	Feeney	Kilmer	Ritter
Baxley	Fields	Kosmas	Romeo
Bean	Fiorentino	Kottkamp	Ross
Bendross-Mindingall	Frankel	Kravitz	Russell
Bennett	Gannon	Kyle	Ryan
Bense	Garcia	Lacasa	Seiler
Benson	Gardiner	Lee	Simmons
Berfield	Gelber	Lerner	Smith
Betancourt	Gibson	Littlefield	Sorensen
Bilirakis	Goodlette	Lynn	Spratt
Bowen	Gottlieb	Machek	Stansel
Brown	Green	Mack	Trovillion
Brummer	Greenstein	Mahon	Waters
Brutus	Haridopolos	Mayfield	Weissman
Bucher	Harper	Maygarden	Wiles
Bullard	Harrell	McGriff	Wilson
Byrd	Harrington	Meadows	Wishner

Nays—None

Votes after roll call:
Yeas—Flanagan, Siplin, Slosberg

So the bill passed and was immediately certified to the Senate.

HB 1783—A bill to be entitled An act relating to the City of Anna Maria Island; amending chapter 30561 (1955), Laws of Florida, as amended; providing for inclusion of naturally or artificially accreted lands into the corporate boundaries of the City of Anna Maria Island; providing for liberal construction; providing severability; providing an effective date.

—was read the second time by title. On motion by Rep. Bennett, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 899

Yeas—112

The Chair	Cantens	Hart	Mealor
Alexander	Carassas	Henriquez	Melvin
Allen	Clarke	Heyman	Murman
Andrews	Cusack	Hogan	Needelman
Argenziano	Davis	Holloway	Negron
Arza	Detert	Jennings	Paul
Attkisson	Diaz de la Portilla	Johnson	Peterman
Atwater	Dockery	Jordan	Pickens
Ausley	Evers	Joyner	Prieguez
Baker	Farkas	Kallinger	Rich
Ball	Fasano	Kendrick	Richardson
Barreiro	Feeney	Kilmer	Ritter
Baxley	Fields	Kosmas	Romeo
Bean	Fiorentino	Kottkamp	Ross
Bendross-Mindingall	Frankel	Kravitz	Russell
Bennett	Gannon	Kyle	Ryan
Bense	Garcia	Lacasa	Seiler
Benson	Gardiner	Lee	Simmons
Berfield	Gelber	Lerner	Smith
Betancourt	Gibson	Littlefield	Sorensen
Bilirakis	Goodlette	Lynn	Spratt
Bowen	Gottlieb	Machek	Stansel
Brown	Green	Mack	Trovillion
Brummer	Greenstein	Mahon	Waters
Brutus	Haridopolos	Mayfield	Weissman
Bucher	Harper	Maygarden	Wiles
Bullard	Harrell	McGriff	Wilson
Byrd	Harrington	Meadows	Wishner

Nays—None

Votes after roll call:
Yeas—Flanagan, Siplin, Slosberg

So the bill passed and was immediately certified to the Senate.

HB 1685—A bill to be entitled An act relating to Hernando County; repealing ch. 14094, 1929, Laws of Florida, which grants the state's permission for the Florida West Coast Water Company to withdraw water from Weekiwachee Spring or River; providing an effective date.

—was read the second time by title. On motion by Rep. Russell, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 899

Yeas—112

The Chair	Ball	Bilirakis	Clarke
Alexander	Barreiro	Bowen	Cusack
Allen	Baxley	Brown	Davis
Andrews	Bean	Brummer	Detert
Argenziano	Bendross-Mindingall	Brutus	Diaz de la Portilla
Arza	Bennett	Bucher	Dockery
Attkisson	Bense	Bullard	Evers
Atwater	Benson	Byrd	Farkas
Ausley	Berfield	Cantens	Fasano
Baker	Betancourt	Carassas	Feeney

Fields	Heyman	Lynn	Richardson
Fiorentino	Hogan	Machek	Ritter
Frankel	Holloway	Mack	Romeo
Gannon	Jennings	Mahon	Ross
Garcia	Johnson	Mayfield	Russell
Gardiner	Jordan	Maygarden	Ryan
Gelber	Joyner	McGriff	Seiler
Gibson	Kallinger	Meadows	Simmons
Goodlette	Kendrick	Mealor	Smith
Gottlieb	Kilmer	Melvin	Sorensen
Green	Kosmas	Murman	Spratt
Greenstein	Kottkamp	Needelman	Stansel
Haridopolos	Kravitz	Negron	Trovillion
Harper	Kyle	Paul	Waters
Harrell	Lacasa	Peterman	Weissman
Harrington	Lee	Pickens	Wiles
Hart	Lerner	Prieguez	Wilson
Henriquez	Littlefield	Rich	Wishner

Nays—None

Votes after roll call:
Yeas—Flanagan, Siplin, Slosberg

So the bill passed and was immediately certified to the Senate.

VI. Local Bill Calendar

CS/HB 429—A bill to be entitled An act relating to alcoholic beverage licenses; authorizing the issuance of a special alcoholic beverage license for certain entities operating within the commercial district of a retirement community within the Town of Lady Lake and for certain entities operating within the commercial district of a retirement community within Sumter County; providing restrictions; providing an effective date.

—was read the second time by title.

Representative(s) Gibson offered the following:

(Amendment Bar Code: 715541)

Amendment 1—On page 4, line 30,
remove: *municipal*

Rep. Gibson moved the adoption of the amendment, which was adopted.

On motion by Rep. Gibson, the rules were waived and CS/HB 429, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 900

Yeas—115

The Chair	Betancourt	Farkas	Harrington
Alexander	Bilirakis	Fasano	Hart
Allen	Bowen	Feeney	Henriquez
Andrews	Brown	Fields	Heyman
Argenziano	Brummer	Fiorentino	Hogan
Arza	Brutus	Flanagan	Holloway
Attkisson	Bucher	Frankel	Jennings
Atwater	Bullard	Gannon	Johnson
Ausley	Byrd	Garcia	Jordan
Baker	Cantens	Gardiner	Joyner
Ball	Carassas	Gelber	Kallinger
Barreiro	Clarke	Gibson	Kendrick
Baxley	Cusack	Goodlette	Kilmer
Bean	Davis	Gottlieb	Kosmas
Bendross-Mindingall	Detert	Green	Kottkamp
Bennett	Diaz de la Portilla	Greenstein	Kravitz
Bense	Diaz-Balart	Haridopolos	Kyle
Benson	Dockery	Harper	Lacasa
Berfield	Evers	Harrell	Lee
Lerner	Mealor	Ritter	Smith
Littlefield	Melvin	Romeo	Sorensen
Lynn	Murman	Ross	Spratt
Machek	Needelman	Rubio	Trovillion
Mack	Negron	Russell	Waters
Mahon	Paul	Ryan	Weissman
Mayfield	Peterman	Seiler	Wiles
Maygarden	Pickens	Simmons	Wilson
McGriff	Prieguez	Siplin	Wishner
Meadows	Rich	Slosberg	

Nays—None

Votes after roll call:
Yeas—Richardson

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

HB 447—A bill to be entitled An act relating to the North River Fire District, Manatee County; codifying the district charter; providing boundaries; providing for a Board of Fire Commissioners; providing for elections; providing for filling of vacancies; providing authority to levy special assessments; providing for liens; providing for public hearings; providing for deposit of funds; providing for use of funds; providing borrowing power of the district; providing authority and power to acquire certain property; providing duties of the Board of Fire Commissioners; providing authority to employ qualified personnel; providing for financial reporting; providing for existence of the district; providing definitions; providing for impact fees; providing a schedule of special assessments; providing severability; providing for liberal construction; repealing chapters 89-502, 91-406, and 96-452, Laws of Florida; providing an effective date.

—was read the second time by title.

The Committee on Local Government & Veterans Affairs offered the following:

(Amendment Bar Code: 434675)

Amendment 1 (with title amendment)—
Remove everything after the enacting clause

and insert:

Section 1. *Pursuant to section 191.015, Florida Statutes, this act constitutes the codification of all special acts relating to the North River Fire District. It is the intent of this act to provide a single, comprehensive special act charter for the district including all current legislative authority granted to the district by its several legislative enactments and by any additional authority granted by this act and chapters 189 and 191, Florida Statutes, as they may be amended from time to time. It is further the intent of this act to preserve all district authority.*

Section 2. *Chapters 89-502, 91-406, and 96-452, Laws of Florida, are codified, amended, reenacted, and repealed as herein provided.*

Section 3. The North River Fire District is re-created and *the charter is recreated and* reenacted to read:

Section 1. Incorporation.—Upon this act becoming a law, all of the unincorporated lands in Manatee County, as described in this act, and the City of Palmetto, shall become and be incorporated into an independent special fire district. Said special fire district shall become and be a public municipal corporation, having the powers and duties herein set forth under the name of North River Fire District.

Section 2. Jurisdiction.—The lands to be incorporated within the North River Fire District are located in Manatee County and are described as follows:

All of Sections 1, 12, 13, 14, 21, 22, 23, 24, 25, 26, 27, 28, 32, 33, 34, 35 and 36, all in Township 33 South, Range 17 East; all of Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36, all in

Township 33 South, Range 18 East; all of Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 and 17, and that part of Sections 18, 22, 23 and 24 North of North bulkhead line of the Manatee River, all in Township 34 South, Range 17 East; all of Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 17, 18, and 19, and that part of Section 16 lying North of North bulkhead line of the Manatee River, all in Township 34 South, Range 18 East. Further including the full right of way of all abutting roads. Also, all islands and submerged lands within the limits of the established bulkhead line abutting the specified Sections, more particularly described as follows:

Begin at the intersection of the established or to be established bulkhead line along the North bank of the Manatee River with the West boundary of Section 7, Township 34 South, Range 17 East; thence Easterly along the established or to be established bulkhead line of the Manatee River to the East boundary of Section 12, Township 34 South, Range 18 East; thence Northerly along the East boundary of Township 34 South, Range 18 East to the Manatee County-Hillsborough County boundary line; thence Westerly along the Manatee County-Hillsborough County boundary line to the established or to be established bulkhead line of the East shore of Tampa Bay; thence Southerly and Westerly along the established or to be established bulkhead line of Tampa Bay and Terra Ceia Bay to the established or to be established bulkhead line on the North bank of the Manatee River to the West boundary of Section 7, Township 34 South, Range 17 East and the Point of Beginning.

Section 3. Board of Fire Commissioners.—The business and affairs of said district shall be conducted and administered by a board of seven commissioners, who shall be elected as provided for in section 4. Upon their election annually in January, the commissioners shall organize by electing from their number a chair and vice chair. The commissioners shall appoint or employ a qualified person or persons for the positions of secretary or treasurer, or the position of secretary/treasurer. The positions of secretary, treasurer, or secretary/treasurer may be held by one commissioner or the commission may, in lieu of electing a secretary and/or treasurer from its number, employ a qualified person or persons who is not a commissioner to perform the duties of secretary, treasurer, or secretary/treasurer and may compensate such person or persons from funds of the district for the services rendered. If the commissioners do employ such qualified person or persons to perform the duties of secretary, treasurer, or secretary/treasurer, said performance shall be subject to the supervision of the Board of Fire Commissioners. The commissioners may each be paid a salary or honorarium, to be determined by the board, that shall not exceed $500 per month and may not be otherwise employed by the district on either a full-time or part-time basis and receive compensation for such employment, except as specifically provided for herein. The Board of Fire Commissioners is authorized to pay the commissioner or commissioners who are elected secretary, treasurer, or secretary/treasurer a reasonable sum for their services as such. The treasurer shall, before he or she enters upon his or her duties as treasurer, execute to the State of Florida, for the benefit of the district, a good and sufficient bond approved by a Circuit Judge of Manatee County in the sum of not less than $1,000 with a qualified corporate surety, conditioned to faithfully perform the duties as such treasurer and to account for all funds to come into his or her hands as treasurer. All premiums for such surety on all such bonds shall be paid from the funds of said district. The Board of Fire Commissioners shall have the authority and power to make and enter into contracts with firms, individuals, and municipal corporations relating to any and all of the purposes of the district.

Section 4. Election of commissioners.—

(1) The members of the Board of Fire Commissioners of the district shall consist of seven members who shall serve for 4-year terms and shall be elected by a nonpartisan election, as hereinafter set forth. The seven-member Board of Fire Commissioners shall consist of one member elected by the entire fire district to represent each of five fire commissioner districts of the North River Fire District, plus two commissioners elected by the entire fire district to hold seats at large. The boundaries of the fire commissioner districts shall be established by the board and shall be numerically designated as fire commissioner districts 1, 2, 3, 4, and 5. The fire commissioner seats on the board shall be identified as seats 1, 2, 3, 4, and 5, corresponding to the numerical designation of each fire commissioner district, respectively, and the at-large seats shall be identified as seats 6 and 7. In addition to requirements of candidates for election under general law, in order to qualify for such election or for maintaining such a position, a candidate or elected commissioner shall reside within his or her respective district.

(2) Four members of the Board of Fire Commissioners (district seats 2, 4, and 5 and at-large seat 6) shall be elected at the general election during each United States presidential election year. The remaining three members of the board (district seats 1 and 3 and at-large seat 7) shall be elected at the general election during each Florida gubernatorial election year.

(3) Each elected commissioner shall hold office until his or her successor is elected and qualified, or until such commissioner ceases to qualify as a commissioner or is removed from office.

(4) Each elected member shall assume office on the third Thursday following the election.

(5) If a vacancy occurs on the board, the remaining members may appoint a qualified person to fill the seat until the next general election that is held at least 3 months after the date the vacancy occurs, at which time an election shall be held to fill the vacancy.

Section 5. Authority to levy non-ad valorem assessments.—

(1) Said district shall have the right, power, and authority to levy non-ad valorem assessments against the taxable real estate lying within its territorial bounds, as well as assessing an additional charge for hazardous or emergency conditions, in order to provide funds for the purpose of the district. The rate of such assessments shall be fixed by a resolution of the Board of Fire Commissioners, but shall in no event exceed the amounts set forth in section 15, unless increased as provided in section 191.009(2), Florida Statutes.

(2) The Board of Fire Commissioners is hereby authorized to provide a reasonable schedule of charges for emergency services, including, but not limited to, firefighting occurring in or to motor vehicles, marine vessels including live-aboards, aircraft, or rail cars including engines, or as a result of the operation of such motor vehicles, marine vessels including live-aboards, aircraft, or rail cars including engines to which the North River Fire District is called upon to render such emergency service, and to charge a fee for the services rendered in accordance with said schedule. The North River Fire District shall have a lien upon said motor vehicle, marine vessel including live-aboards, aircraft, or rail cars including engines for the charges so assessed. The Board of Fire Commissioners is authorized to enter into contracts for firefighting duties which provide a reasonable remuneration to the district for such firefighting activities.

(3) The Board of Fire Commissioners is authorized to provide a reasonable schedule of charges for the fighting of fires occurring in or at refuse dumps or as a result of an illegal burn, which fire, dump, or burn is not authorized by general or special law of the state, rule, regulation, order, or ordinance to which the district is called upon to fight and/or extinguish. The fee charged in accordance with said schedule shall constitute a lien upon the real property where said fire or burn is located.

(4) The district shall provide to the County Property Appraiser a notice of fire assessment rates as adopted by resolution not later than June 1 of each year. The County Property Appraiser shall then furnish to the commissioners of the district a tax roll covering all taxable properties with the assessment rate levy placed on each parcel of property by July 1, which tax roll is consistent with and set forth by section 193.1142, Florida Statutes. Not later than 21 days after receipt of the tax roll from the County Property Appraiser, the district shall return the tax roll, having first checked and noted any corrections or adjustments to the fire assessment levy against each parcel of property.

(5) Prior to adopting a rate of assessment as required in subsection (4), the Board of Fire Commissioners of the district shall properly advertise and hold a public hearing with respect to the proposed rate of

assessment. At such hearing, any property owner in the district shall have the right to file a written objection and/or testify at such hearing regarding the proposed rate of assessment. After due consideration of all comments or protests, the Board of Fire Commissioners shall adopt a resolution specifying the rate of assessment on all taxable property.

(6) The Board of Fire Commissioners of the district shall, not earlier than 30 days nor later than 45 days after the mailing of the notice of proposed property taxes as required by section 194.011(1), Florida Statutes, hold a properly advertised public hearing to hear appeals from any property owner in the district with respect to the method of calculation and/or the amounts of fire assessment levied against a parcel of land. Within 20 calendar days after the conclusion of the public hearing to hear appeals, the Board of Fire Commissioners of the district shall notify all concerned parties and the County Property Appraiser in writing of its decision. The decision shall include reasons for granting or denying the appeal.

(7) The County Property Appraiser shall then include the assessments thus made by the Board of Fire Commissioners of the district in the Manatee County tax roll and the same shall be collected in the manner and form as is provided for the collection of county taxes and paid over by the County Tax Collector to the Board of Fire Commissioners.

(8) Such non-ad valorem assessments shall be a lien upon the land so assessed along with the county taxes assessed against the same until said assessments have been paid and, if the same become delinquent, shall be considered a part of the county tax subject to the same penalties, fees, and remedies for enforcement and collections, and shall be enforced and collected as provided by the laws of the state for the collection of such taxes.

Section 6. Deposit of funds.—All proceeds of assessments and other funds of the district shall be deposited in the name of the district in a financial institution designated under the provisions of chapter 280, Florida Statutes, as a qualified public depository. The approved financial institution shall be designated by a resolution of the Board of Fire Commissioners. No funds of the district shall be paid out or disbursed except by check.

Section 7. Use of funds.—No funds of the district shall be used for any purpose other than for the administration of the affairs and business of the district; for the acquisition, construction, care, maintenance, upkeep, and operation of sites for fire stations; fire station and firefighting and rescue equipment; the employment of qualified personnel as provided for herein and payment of the essential personnel benefits such as health, life, disability, and workers' compensation insurance; retirement programs and other associated costs designed to further the purpose of the district; and for legal expenses incurred for the operation, enforcement, and furtherance of the district's affairs and business.

Section 8. Borrowing power.—The Board of Fire Commissioners shall have the power and authority to borrow money for the purpose of the district and to mortgage the real and personal property of the district or to pledge future assessments and liens as security for such loans. The limits of such authority shall be that the amount borrowed shall not exceed three times the total assessments in the fiscal year the loan is contracted; however, the district commissioners shall not create any indebtedness or incur obligations for any amount which it is unable to pay out of the district's funds. Neither the district commissioners as a body nor any one of them as an individual shall be personally or individually liable for the repayment of such loan or loans. In addition, the Board of Fire Commissioners shall have the power and authority to make purchases of equipment on an installment basis as necessary, if funds are available for the payment of the current year's installment on such equipment plus the amount due in that year on any other installment or other indebtedness.

Section 9. Authority and power to acquire.—The North River Fire District shall have all of the corporate powers of a Florida municipal corporation as provided by statute, including, but not limited to, the right to sue and to be sued; to lease, own, possess, and convey real and personal property necessary to carry out the purpose of this act; and to acquire such property by grant, gift, purchase, devise, or eminent domain, or any means whatsoever.

Section 10. Duties of officers and authority of commissioners.—The officers of the Board of Fire Commissioners shall have the duties usually pertaining to, vested in, and incumbent upon like officers. A record shall be kept of all meetings of said Board of Fire Commissioners and in such meetings concurrence of a majority of said commissioners at the meeting consisting of a quorum shall be necessary for any affirmative actions by said board. The Board of Fire Commissioners of said district shall have the authority to adopt ordinances and rules and regulations for fire safety and protection, including, but not limited to, those standards set out in section 633.025, Florida Statutes.

Section 11. Authority to employ qualified personnel.—The Board of Fire Commissioners of said district shall have the authority to employ personnel as required to carry out the purpose of the district. Such personnel may, in addition to others, include a fire chief, who shall reside in the district, one or more firefighters or inspectors, and administrative or maintenance personnel as the Board of Fire Commissioners deems necessary to carry out the purpose of the district, and shall have authority to provide all things necessary for the prevention, extinguishment, and control of fires in the district.

Section 12. Financial reporting.—The Board of Fire Commissioners of the district shall comply with all appropriate reporting requirements for units of local government, including, but not limited to, sections 11.45, 189.416-189.418, 218.32, and 218.38, Florida Statutes. These requirements as referenced herein include the filing on or before September 1 of each year of the district's estimated budget for the fiscal year beginning October 1, the filing of financial statements and audits for the fiscal year ending each September 30 within the timeframes identified, and other reporting requirements specified.

Section 13. Existence.—The North River Fire District herein contemplated shall exist until dissolved by law.

Section 14. Definitions.—The word "district" means the North River Fire District and the words "board" and "Board of Fire Commissioners" mean the Board of Fire Commissioners of the North River Fire District, unless otherwise specified.

Section 15. Schedule of non-ad valorem assessments.—The assessment procedures and amounts, as set forth herein, represent the manner to be followed and the maximum allowable rates which shall be charged by the district, if needed. For assessment purposes, all property within the district shall be divided into three general classifications: vacant parcels, residential parcels, and commercial/industrial parcels.

(1) Vacant parcels shall include all parcels which are essentially undeveloped and are usually classified by the property appraiser as Use Code types "0000," "0004," "1000," "4000," "9800," "9900," and "5000" through "7000." The maximum annual assessment for these parcels shall be:

(a) Vacant residential lots (Use Code 0000) $8.90 per lot.

(b) Vacant condominia lots (Use Code 0004) $8.90 per lot.

(c) Unsubdivided acreage (Use Code 5000 through 7000, 9800, 9900, and 9901) $4.85 per acre or fraction thereof, except that not more than $890 shall be assessed against any one parcel.

(d) Vacant commercial and industrial parcels (Use Code 1000 and 4000) shall be assessed as a platted lot or unsubdivided acreage as applicable. Whenever a residential unit is located on a parcel defined herein as vacant, the residential plot shall be considered as one lot or one acre with the balance of the parcel being assessed as vacant land in accordance with the schedule of commercial/industrial assessments. Whenever an agricultural or commercial building or structure is located on a parcel defined herein as vacant, the building or structure shall be assessed in accordance with the schedule of commercial/industrial assessments.

(2) Residential parcels shall include all parcels which are developed for residential purposes and are usually classified by the property

appraiser as Use Code types "0100," "0104," "0200," "0204," "0300," "0400," "0500," "0600," "0700," "0800," "0801," "0803," "1200," "2800," and "2802."

Surcharges may be assigned by the district for dwelling units located on the second, third, fourth, fifth, or higher floors. The maximum annual assessment for these parcels shall be:

(a) Use Codes "0100" and "0104" shall be $98 per single-family residence. If said residence is located on a parcel of land not in excess of one lot or one acre, no additional assessment shall be made for the land on which said residence is located. If the land upon which said residence is located exceeds one lot or one acre, an additional assessment may be made in accordance with subsection (1).

(b) Use Codes "0300," "0800," "0801," and "0803," multifamily residences, shall be $98 per unit. If said residence is located on a parcel of land not in excess of one lot or one acre, no additional assessment shall be made for the land on which said residence is located. If the land upon which said residence is located exceeds one lot or one acre, an additional assessment may be made in accordance with subsection (1).

(c) Use Code "0400," condominia/apartments and residential, shall be $98 per dwelling unit for any condominia or apartment units located on the first and second floors. The sum of $147 per unit for any condominia or apartment units located on the third floor; the sum of $196 per unit for any condominia or apartment units located on the fourth floor; the sum of $245 per unit for any condominia or apartment units located on the fifth floor; and the sum of $294 per unit for any condominia or apartment units on a floor above a fifth floor.

(d) Use Codes "0200," "0204," and "2802," mobile homes, mobile homes/condominia, and mobile home parks, residential, shall be $98 per dwelling unit.

(e) Use Codes "0500," "0600," and "0700," cooperatives, retirement homes, miscellaneous, migrant camps, etc., shall be assessed $98 per dwelling unit.

(f) Any other residential units, including, but not limited to, the residential portion of mixed uses (Use Code 1200) shall be assessed $98 per dwelling unit.

(g) Travel trailer parks (Use Code 2800) shall be assessed $49 per dwelling unit or available rental space, as applicable.

(3) Commercial/industrial parcels shall include all other developed parcels which are not included in the residential category as defined above. All commercial/industrial parcels shall be assessed on a square footage basis for all buildings and structures in accordance with the following schedule and hazard classification. The district may or may not vary the assessment by hazard classifications as set forth herein, based on guidelines to be approved by the Board of Fire Commissioners. The base assessment for all buildings and structures shall be $178 for the first 1,000 square feet on a parcel. The schedule for all square footage above 1,000 square feet is as follows; however, the district may grant an improved hazard rating to all or part of the building and/or structures if they are equipped with complete internal fire suppression facilities.

Category	*Use Codes*	*Square Foot Assessment*
Mercantile (M)	*1100, 1200, 1300, 1400, 1500, 1600, 1604, 2900*	*$0.09 per square foot*
Business (B)	*1700, 1704, 1800, 1900, 1904, 2200, 2300, 2400, 2500, 2600, 3000, 3600*	*$0.09 per square foot*
Assembly (A)	*2100, 3100, 3200, 3300, 3400, 3500, 3700, 3800, 3900, 7600, 7700, 7900*	*$0.10 per square foot*
Factory/Industrial (F)	*4100, 4104, 4400, 4500, 4600, 4700, 9100*	*$0.10 per square foot*
Storage (S)	*2000, 2700, 2800, 4900*	*$0.09 per square foot*
Hazardous (H)	*4200, 4300, 4800, 4804*	*$0.20 per square foot*
Institutional (I)	*7000, 7100, 7200, 7300, 7400, 7800, 8400, 8500, 9200*	*$0.09 per square foot*

Whenever a parcel is utilized for multiple hazard classifications, the district may vary the assessment in accordance with actual categories.

Section 16. Impact fees.—

(1)(a) It is hereby found and determined that the district is located in one of the fastest growing areas of Manatee County, which is itself experiencing one of the highest growth rates in the nation. New construction and resulting population growth has placed a strain upon the capabilities of the district to continue providing the high level of professional fire protection and emergency service for which the residents of the district pay and which they deserve.

(b) It is hereby declared that the cost of new facilities for fire protection and emergency service should be borne by new users of the district services to the extent new construction requires new facilities, but only to that extent. It is the legislative intent of this section to transfer to the new user of the district's fire protection and emergency services a fair share of the costs that new users impose on the district for new facilities.

(c) It is hereby declared that the amount of the impact fees provided for in this section are just, reasonable, and equitable.

(2) No person shall issue or obtain a building permit for new residential dwelling units or new commercial or industrial structures within the district, or issue or obtain construction plan approval for new mobile home or recreational or travel trailer park developments located within the district, until the developer thereof has paid the applicable impact fee to the district, according to a schedule determined annually by the board. The board shall establish a schedule of impact fees to pay for the cost of new facilities and equipment, the need for which is in whole or in part the result of new construction.

(3) The impact fees collected by the district pursuant to this section shall be kept as a separate fund from other revenues of the district and shall be used exclusively for the acquisition, purchase, or construction of new facilities or portions thereof required to provide fire protection and emergency service to new construction. "New facilities" means land, buildings, and capital equipment, including, but not limited to, fire and emergency vehicles and radio-telemetry equipment, and other firefighting or rescue equipment. Said fees shall not be used for the acquisition, purchase, or construction of facilities which must be obtained in any event, regardless of growth within the district. The Board of Fire Commissioners shall maintain adequate records to ensure that impact fees are expended only for permissible new facilities or equipment.

Section 4. *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 5. *The provisions of this act shall be liberally construed in order to effectively carry out the purpose of this act in the interest of the public and safety.*

Section 6. *Chapters 89-502, 91-406, and 96-452, Laws of Florida, are repealed.*

Section 7. This act shall take effect upon becoming a law.

And the title is amended as follows:

On page 1, line 2,
remove: the entire title

and insert: An act relating to the North River Fire District, Manatee County; codifying the district charter; providing boundaries; providing for a Board of Fire Commissioners; providing for elections; providing for filling of vacancies; providing authority to levy non-ad valorem assessments; providing for liens; providing for public hearings; providing for deposit of funds; providing for use of funds; providing borrowing power of the district; providing authority and power to acquire certain property; providing duties of the Board of Fire Commissioners; providing authority to employ qualified personnel; providing for financial reporting; providing for existence of the district; providing definitions; providing for impact fees; providing a schedule of non-ad valorem assessments; providing severability; providing for liberal construction; repealing chapters 89-502, 91-406, and 96-452, Laws of Florida; providing an effective date.

Rep. Bennett moved the adoption of the amendment, which was adopted.

On motion by Rep. Bennett, the rules were waived and HB 447, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 901

Yeas—116

The Chair	Carassas	Hart	Murman
Alexander	Clarke	Henriquez	Needelman
Allen	Cusack	Heyman	Negron
Andrews	Davis	Hogan	Paul
Argenziano	Detert	Holloway	Peterman
Arza	Diaz de la Portilla	Jennings	Pickens
Attkisson	Diaz-Balart	Johnson	Prieguez
Atwater	Dockery	Jordan	Rich
Ausley	Evers	Joyner	Richardson
Baker	Farkas	Kallinger	Ritter
Ball	Fasano	Kendrick	Romeo
Barreiro	Feeney	Kilmer	Ross
Baxley	Fields	Kosmas	Rubio
Bean	Fiorentino	Kottkamp	Russell
Bendross-Mindingall	Flanagan	Kravitz	Ryan
Bennett	Frankel	Kyle	Seiler
Bense	Gannon	Lacasa	Simmons
Benson	Garcia	Lee	Siplin
Berfield	Gardiner	Lerner	Slosberg
Betancourt	Gelber	Littlefield	Smith
Bilirakis	Gibson	Lynn	Sorensen
Bowen	Goodlette	Mack	Spratt
Brown	Gottlieb	Mahon	Stansel
Brummer	Green	Mayfield	Trovillion
Brutus	Greenstein	Maygarden	Waters
Bucher	Haridopolos	McGriff	Weissman
Bullard	Harper	Meadows	Wiles
Byrd	Harrell	Mealor	Wilson
Cantens	Harrington	Melvin	Wishner

Nays—None

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

HB 449—A bill to be entitled An act relating to the Parrish Fire Control District, Manatee County; amending section 15 and subsection (2) of section 16 of chapter 85-451, Laws of Florida, as amended by chapter 95-501, Laws of Florida; increasing the rates for special assessments; increasing impact fees; providing an effective date.

—was read the second time by title.

Representative(s) Bennett offered the following:

(Amendment Bar Code: 530029)

Amendment 1—
Remove everything after the enacting clause

and insert:

Section 1. Section 15 of chapter 85-451, Laws of Florida, as amended by chapter 95-501, Laws of Florida, is amended to read:

Section 15. Schedule of Special Assessments: The assessment procedures and amounts, as set forth herein, represent the manner to be followed and the maximum allowable rates which shall be charged by the District, if needed. For assessment purposes, all property within the District shall be divided into three general classifications: vacant parcels, residential parcels, and commercial/industrial parcels.

(1) Vacant parcels shall include all parcels which are essentially undeveloped and are usually classified by the property appraiser as use code types 0000, 1000, 4000, 9900 and 5000 through 6900. The maximum annual assessment for these parcels shall be:

(a) Vacant platted lot (use code 0000) $10 per lot.

(b) Unsubdivided acreage (use codes 5000 through 6900 and 9900), not more than $3.50 per acre or fraction thereof, but not more than $850 shall be assessed against any one parcel.

(c) Vacant commercial and industrial parcels (use codes 1000 and 4000) shall be assessed as a platted lot or unsubdivided acreage as applicable.

Whenever a residential unit is located on a parcel defined herein as vacant, the residential plot shall be considered as one lot or 1 acre, with the balance of the parcel being assessed as vacant land in accordance with the schedule herein.

Whenever an agricultural or commercial building or structure is located on a parcel defined herein as vacant, the building and/or structure shall be assessed in accordance with the schedule of commercial/industrial assessments.

(2) Residential parcels shall include all parcels which are developed for residential purposes and are usually classified by the property appraiser as use code types 0100 through 0800 and 2800. All residential parcels shall be assessed by the number of dwelling units per parcel. Surcharges may be assigned by the District for dwelling units located on the third or higher floors. The maximum annual assessment for these parcels shall be:

(a) Single family residential (use code 0100) shall have *an* ~~a maximum~~ assessment of *up to $150* ~~$100~~ per dwelling unit. If said dwelling unit is located on a parcel of land not in excess of one (1) lot or one (1) acre, no additional assessment shall be made for the land upon which said dwelling unit is located. If the land upon which said dwelling unit is located exceeds one (1) lot or one (1) acre, an additional assessment may be made in accordance with paragraph 1 of this section.

(b) Condominium residential (use code 0400) shall have *an* ~~a maximum~~ assessment of *up to $150* ~~$100~~ per dwelling unit.

(c) Mobile homes (use code 0200) shall be assessed ~~not more than~~ *up to $150* ~~$100~~ per dwelling unit.

(d) *Multi-family* ~~Mult-family~~ residential (use codes 0300 and 0800), cooperatives (use code 0500), retirement homes (use code 0600), and miscellaneous residential uses (use code 0700) shall be assessed ~~not more than~~ *up to $150* ~~$100~~ per dwelling unit.

(e) Any other residential unit, including, but not limited to, the residential portions of mixed uses (use code 1200) and travel trailer parks (use code 2800) shall be assessed not more than $20 per dwelling unit or available rental space, as applicable.

(3) Commercial/industrial parcels shall include all other developed parcels which are not included in the residential category as defined above.

All commercial/industrial parcels shall be assessed on a square footage basis for all buildings and structures in accordance with the following schedule and hazard classification. The district may or may not vary the assessment by hazard classifications as set forth herein.

The base assessment for all buildings and structures shall be ~~not more than~~ *up to $150* ~~$100~~ for the first 1,000 square feet on a parcel. The schedule for all square footage above 1,000 square feet is as follows, provided, however, that the District may grant an improved hazard rating to all or part of the buildings and structures if they are equipped with complete internal fire suppression facilities.

Category Assessment	Use Codes	Maximum Square Foot Assessment
Mercantile (M)	1100, 1200, 1300, 1400, 1500, 1600, and 2900.	*up to $0.25* ~~$0.10~~ per square foot
Business (B)	1700, 1800, 1900, 2200, 2300, 2400, 2500, 2600, 3000, and 3600.	*up to $0.25* ~~$0.10~~ per square foot
Assembly (A)	2100, 3100, 3200, 3300, 3400, 3500, 3700, 3800, 3900, 7600, 7700, and 7900.	*up to $0.25* ~~$0.10~~ per square foot
Factory/ Industrial (F)	4100, 4400, 4500, 4600, and 4700.	*up to $0.25* ~~$0.10~~ per square foot
Storage (S)	2000, 2700, 2800, square foot	*up to $0.25* ~~$0.10~~ per
Hazardous (H)	4200, 4300, and 4900.	*up to $0.25* ~~$0.10~~ per square foot
Institutional (I)	7000, 7300, 7400, 7500, and 7800	*up to $0.25* ~~$0.10~~ per square foot

Whenever a parcel is utilized for multiple hazard classifications, the district may vary the assessment in accordance with actual categories. *No increases in the new schedule provided for in this section are applicable until approved by a majority vote of the Board of Commissioners of this District.*

Section 2. Subsection (2) of section 16 of chapter 85-451, Laws of Florida, as amended by chapter 95-501, Laws of Florida, is amended to read:

Section 16.

(2) No person shall issue or obtain a building permit for new residential dwelling units or new commercial or industrial structures within the district, or issue or obtain construction plan approval for new mobile home developments located within the district, until the developer thereof shall have paid the applicable impact fee to the district, according to a schedule determined annually by the board, as follows: For each new residential dwelling unit, a fee that shall ~~not exceed~~ *be up to $500* ~~$400~~ per unit; new commercial or industrial structures, *up to $500* ~~$400~~ for the first 5,000 square feet of gross floor area and *up to $0.25* ~~$0.05~~ per square foot thereafter; new recreational or travel trailer park developments, $25 per lot or permitted space. Trailers, manufactured homes, mobile homes, with or without cabanas, carports, or utility rooms shall be construed as homes. *No increases in the new schedule provided for in this section are applicable until approved by a majority vote of the Board of Commissioners of this District.*

Section 3. This act shall take effect upon becoming a law.

Rep. Bennett moved the adoption of the amendment, which was adopted.

On motion by Rep. Bennett, the rules were waived and HB 449, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 902

Yeas—116

The Chair	Carassas	Hart	Murman
Alexander	Clarke	Henriquez	Needelman
Allen	Cusack	Heyman	Negron
Andrews	Davis	Hogan	Paul
Argenziano	Detert	Holloway	Peterman
Arza	Diaz de la Portilla	Jennings	Pickens
Attkisson	Diaz-Balart	Johnson	Prieguez
Atwater	Dockery	Jordan	Rich
Ausley	Evers	Joyner	Richardson
Baker	Farkas	Kallinger	Ritter
Ball	Fasano	Kendrick	Romeo
Barreiro	Feeney	Kilmer	Ross
Baxley	Fields	Kosmas	Rubio
Bean	Fiorentino	Kottkamp	Russell
Bendross-Mindingall	Flanagan	Kravitz	Ryan
Bennett	Frankel	Kyle	Seiler
Bense	Gannon	Lacasa	Simmons
Benson	Garcia	Lee	Siplin
Berfield	Gardiner	Lerner	Slosberg
Betancourt	Gelber	Littlefield	Smith
Bilirakis	Gibson	Lynn	Sorensen
Bowen	Goodlette	Machek	Spratt
Brown	Gottlieb	Mack	Stansel
Brummer	Green	Mahon	Trovillion
Brutus	Greenstein	Maygarden	Waters
Bucher	Haridopolos	McGriff	Weissman
Bullard	Harper	Meadows	Wiles
Byrd	Harrell	Mealor	Wilson
Cantens	Harrington	Melvin	Wishner

Nays—None

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

HB 953—A bill to be entitled An act relating to Pinellas County; amending chapter 75-489, Laws of Florida, as amended; revising provisions relating to adoptions of codes; providing for severability; providing an effective date.

—was read the second time by title.

The Committee on Local Government & Veterans Affairs offered the following:

(Amendment Bar Code: 794633)

Amendment 1 (with title amendment)—
Remove everything after the enacting clause

and insert:

Section 1. Notwithstanding section 136 of chapter 2000-141, Laws of Florida, Part III of chapter 75-489, Laws of Florida, as amended, is reenacted and amended to read:

Section 27. It is the intent of the legislature to provide for uniform building codes and uniform life safety codes for Pinellas County. *It is further the intent of the legislature to provide for continuing uniformity of the aforementioned codes by placing the sole authority for making technical amendments to the codes, applicable within the boundaries of Pinellas County, with the Pinellas County Construction Licensing Board.*

Section 28. For the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use, occupancy, location and maintenance of buildings and structures, Pinellas County hereby *recognizes as applicable to the county* ~~adopts~~ the codes known as:

(1) The *Florida* ~~Standard~~ Building Code*, as may be amended or update pursuant to general law*.

(2) The *Florida Fire Prevention Code, as may be amended or replaced pursuant to general law* ~~NFPA Natural Gas Code 54 and the NFPA L.P. Gas Code 58~~.

~~(3) The National Electrical Code.~~

~~(4) The Standard Mechanical Code.~~

~~(5) The Standard Plumbing Code.~~

~~(6) The National Fire Protection Association Life Safety Code 101.~~

~~The codes are incorporated in this law as fully as if set out at length.~~ Copies of all ~~applicable codes, appendices and~~ amendments or variations thereto adopted by the board pursuant to the provisions of section 29 of this part, shall be filed with and available for inspection at the office of the board.

Section 29. ~~The board shall have the power to adopt editions of the codes referenced in section 28, and appendices thereto.~~ The board shall ~~also~~ have the power to amend the codes from time to time*, subject to the requirements of section 553.73(4), Florida Statutes,* and may adopt variations for different areas of the county if the variations are justified under the procedures contained herein and in *section* ~~ss. 553.18 and~~ 553.73, Florida Statutes. Before making any amendment or variation, the board shall refer the proposed amendment to the appropriate county-wide Board of Adjustment and Appeals described in Section 32 for study and recommendations. The board shall then hold a public hearing on the proposed amendment or variation and shall reject, adopt, or defer action upon the recommendation of the Board of Adjustment and Appeals. A two-thirds vote of the board is required to reject any recommendation of the Board of Adjustment and Appeals. The board may adopt amendments to the codes that are necessary as a condition precedent to any federal or state sponsored program and the governing body of any municipality or the county may adopt amendments to the administrative chapter of *the Florida Building Code* ~~all standard codes~~. *For the purposes of section 553.73, Florida Statutes, and chapter 98-287, Laws of Florida, as amended by chapter 98-419, Laws of Florida, and chapter 2001-186, Laws of Florida, and as may be subsequently amended, the Pinellas County Construction Licensing Board shall be the sole local governing body authorized to make technical amendments to the Florida Building Code or the Florida Fire Prevention Code and is deemed to be the countywide compliance review board for Pinellas County as required by section 553.73(4)(b)7., Florida Statutes. The Pinellas County Construction Licensing Board shall likewise be the local administrative board for the provision of interpretations upon request of local building officials and for the resolution of conflicts of interpretations between local building officials and local fire code enforcement officials. The resolution of these disputes shall be in accordance with applicable general law. The decision of the board interpretting a code, resolving a conflict of interpretation or to adopt an amendment following a recommendation by the applicable Board of Adjustment and Appeals, shall be the final local determination of the matter which is subject to appeal to the Florida Building Commission pursuant to section 553.73, Florida Statutes.*

Section 30. Except as provided in this law for amendments and variations, the codes shall be exclusively controlling in the construction of all buildings and structures within Pinellas County and no municipality of the county shall adopt any *technical* amendments, ordinances, rules or regulations for the construction, alteration, removal, demolition, equipment, use, occupancy, location and maintenance of buildings and structures that conflict with the codes as amended.

Section 31. Inspection and enforcement of the codes shall be effected by the county, the municipalities in Pinellas County or the authorized designees of either.

Section 32. (1) The board shall create four Boards of Adjustment and Appeals as follows:

(a) A plumbing, mechanical and gas Board of Adjustment and Appeals consisting of one (1) mechanical engineer, two (2) plumbing contractors, two (2) natural gas contractors and two (2) mechanical or Class A air conditioning contractors. This Board of Adjustment and Appeals shall have the powers and duties specified in subsection (2) for appeals relating to plumbing, mechanical and gas *provisions of the Florida Building Code* ~~codes~~.

(b) An electrical board consisting of one (1) electrical engineer, two (2) electrical contractors and one (1) member of the building industry at large. This board shall have the powers and duties provided in subsection (2) for appeals relating to the electrical code.

(c) A Board of Adjustment and Appeals for the *Florida* ~~Standard~~ Building Code *provisions not falling within the jurisdiction of the boards created by subsection (a) or (b).*

(d) A life safety and fire code Board of Adjustment and Appeals of two (2) active fire marshals, two (2) active building officials and a fifth member to be selected from the joint recommendation of the fire marshals and building officials comprising said board.

(2) Any appeal which may be brought before either the Board of Adjustment and Appeals for the *Florida* ~~Standard~~ Building Code or the Board of Adjustment and Appeals for the Life Safety and Fire Code, shall be referred to the latter. The Board of Adjustment and Appeals for the Life Safety and Fire Code shall determine whether or not it has jurisdiction over said appeal. Upon a determination that said board has no jurisdiction, the appeal shall be considered by the Board of Adjustment and Appeals for the *Florida* ~~Standard~~ Building Code. The Boards of Adjustment and Appeals shall meet as frequently as is required but not less often than once every three months. Members of the boards shall serve without compensation. Any person aggrieved by a ruling of a building director or a fire marshal or other fire official of any municipality or of the county, or any building director or fire marshal or other fire official desiring interpretation of a code, may file a written appeal to the proper Board of Adjustment and Appeals. Provided, however, if the municipality in which the dispute occurred has established a Board of Adjustment and Appeals the aggrieved party must first appeal to the municipal board. After a decision is rendered by the municipal board the aggrieved party shall have 15 days to file the appeal provided for in this subsection. The decision of the boards shall be furnished to the appealing party in writing within 15 days after the meeting at which the appeal was considered. *The decisions of the boards are subject to appeal to the Florida Building Commission pursuant to section 553.73, Florida Statutes.*

Section 33. The respective Boards of Adjustment and Appeals shall have authority to interpret its respective code adopted for the county. Interpretations of the codes shall be based upon specific findings of fact and may be made when any provision of the code is ambiguous as applied to an activity subject to the code or to allow alternate material and types of construction if found to be in conformity with the intent of said code. The codes shall be interpreted liberally to provide safe, economic and sound buildings and structures in the county. Code interpretations of any Board of Adjustment and Appeals made under this section shall be final administrative actions and shall not be subject to review by the board. Final decisions of the board or any Board of Adjustment and Appeals shall be based upon substantial competent evidence and shall be subject to *review by the Florida Building Commission or the Florida Fire Marshal* ~~certiorari review in the circuit court of the judicial circuit in and for Pinellas County~~.

Section 2. *If any section, subsection, sentence, clause, phrase, or provision of this law is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not be construed to render the remaining provisions of this law invalid or unconstitutional.*

Section 3. This act shall take effect upon the effective date of the Florida Building Code.

Rep. Carassas moved the adoption of the amendment.

Representative(s) Carassas offered the following:

(Amendment Bar Code: 960789)

Substitute Amendment 1 (with title amendment)—
remove: Everything after the enacting clause

and insert:

Section 1. Notwithstanding section 136 of chapter 2000-141, Laws of Florida, Part III of chapter 75-489, Laws of Florida, as amended, is reenacted and amended to read:

Part III

Section 27. It is the intent of the legislature to provide for uniform building codes and uniform life safety codes for Pinellas County. *It is further the intent of the legislature to provide for continuing uniformity of the aforementioned codes by placing the sole authority for making technical amendments to the codes, applicable within the boundaries of Pinellas County, with the Pinellas County Construction Licensing Board.*

Section 28. For the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use, occupancy, location and maintenance of buildings and structures, Pinellas County hereby *recognizes as applicable to the county* ~~adopts~~ the codes known as:

(1) The *Florida* ~~Standard~~ Building Code*, as may be amended or updated pursuant to general law*.

(2) The *applicable version of the National Fire Protection Association Life Safety Code 101 adopted through the provisions of the Florida Fire Prevention Code or adopted pursuant to the powers of the Florida State Fire Marshal as described in Florida Administrative Code s. 4A-60, as either may be subsequently amended* ~~NFPA Natural Gas Code 54 and the NFPA L.P. Gas Code 58~~.

~~(3) The National Electrical Code.~~

~~(4) The Standard Mechanical Code.~~

~~(5) The Standard Plumbing Code.~~

~~(6) The National Fire Protection Association Life Safety Code 101.~~

~~The codes are incorporated in this law as fully as if set out at length.~~ Copies of all ~~applicable codes, appendices and~~ amendments or variations thereto adopted by the board pursuant to the provisions of section 29 of this part, shall be filed with and available for inspection at the office of the board.

Section 29. ~~The board shall have the power to adopt editions of the codes referenced in section 28, and appendices thereto.~~ The board shall ~~also~~ have the power to amend the codes from time to time*, subject to the requirements of section 553.73(4), Florida Statutes,* and may adopt variations for different areas of the county if the variations are justified under the procedures contained herein and in *section* ~~ss. 553.18 and~~ 553.73, Florida Statutes. Before making any amendment or variation, the board shall refer the proposed amendment to the appropriate county-wide Board of Adjustment and Appeals described in Section 32 for study and recommendations. The board shall then hold a public hearing on the proposed amendment or variation and shall reject, adopt, or defer action upon the recommendation of the Board of Adjustment and Appeals. A two-thirds vote of the board is required to reject any recommendation of the Board of Adjustment and Appeals. The board may adopt amendments to the codes that are necessary as a condition precedent to any federal or state sponsored program and the governing body of any municipality or the county may adopt amendments to the administrative chapter of *the Florida Building Code* ~~all standard codes~~. *For the purposes of section 553.73, Florida Statutes, and chapter 98-287, Laws of Florida, as amended by chapter 98-419, Laws of Florida, and chapter 2001-186, Laws of Florida, and as may be subsequently amended, the Pinellas County Construction Licensing Board shall be the sole local governing body authorized to make technical amendments to the Florida Building Code or the version of the National Fire Protection Association Life Safety Code 101 as described in section 28 and is deemed to be the countywide compliance review board for Pinellas County as required by section 553.73(4)(b)7., Florida Statutes. The Pinellas County Construction Licensing Board shall likewise be the local administrative board for the provision of interpretations upon request of local building officials and for the resolution of conflicts of interpretations between local building officials and local fire code enforcement officials. The resolution of these disputes shall be in accordance with applicable general law. The decision of the board interpreting a code, resolving a conflict of interpretation, or adopting an amendment following a recommendation by the applicable Board of Adjustment and Appeals shall be the final local determination of the matter which is subject to appeal to the Florida Building Commission pursuant to section 553.73, Florida Statutes, and/or the State Fire Marshal pursuant to chapter 633, Florida Statutes.*

Section 30. Except as provided in this law for amendments and variations, the codes shall be exclusively controlling in the construction of all buildings and structures within Pinellas County and no municipality of the county shall adopt any *technical* amendments, ordinances, rules or regulations for the construction, alteration, removal, demolition, equipment, use, occupancy, location and maintenance of buildings and structures that conflict with the codes as amended.

Section 31. Inspection and enforcement of the codes shall be effected by the county, the municipalities in Pinellas County or the authorized designees of either.

Section 32. (1) The board shall create four Boards of Adjustment and Appeals as follows:

(a) A plumbing, mechanical and gas Board of Adjustment and Appeals consisting of one (1) mechanical engineer, two (2) plumbing contractors, two (2) natural gas contractors and two (2) mechanical or Class A air conditioning contractors. This Board of Adjustment and Appeals shall have the powers and duties specified in subsection (2) for appeals relating to plumbing, mechanical and gas *provisions of the Florida Building Code* ~~codes~~.

(b) An electrical board consisting of one (1) electrical engineer, two (2) electrical contractors and one (1) member of the building industry at large. This board shall have the powers and duties provided in subsection (2) for appeals relating to the electrical code.

(c) A Board of Adjustment and Appeals for the *Florida* ~~Standard~~ Building Code *provisions not falling within the jurisdiction of the boards created by subsection (a) or subsection (b).*

(d) A life safety and fire code Board of Adjustment and Appeals of two (2) active fire marshals, two (2) active building officials and a fifth member to be selected from the joint recommendation of the fire marshals and building officials comprising said board.

(2) Any appeal which may be brought before either the Board of Adjustment and Appeals for the *Florida* ~~Standard~~ Building Code or the Board of Adjustment and Appeals for the Life Safety and Fire Code, shall be referred to the latter. The Board of Adjustment and Appeals for the Life Safety and Fire Code shall determine whether or not it has jurisdiction over said appeal. Upon a determination that said board has no jurisdiction, the appeal shall be considered by the Board of Adjustment and Appeals for the *Florida* ~~Standard~~ Building Code. The Boards of Adjustment and Appeals shall meet as frequently as is required but not less often than once every three months. Members of the boards shall serve without compensation. Any person aggrieved by a ruling of a building director or a fire marshal or other fire official of any municipality or of the county, or any building director or fire marshal or other fire official desiring interpretation of a code, may file a written appeal to the proper Board of Adjustment and Appeals. Provided, however, if the municipality in which the dispute occurred has established a Board of Adjustment and Appeals the aggrieved party must first appeal to the municipal board. After a decision is rendered by the municipal board the aggrieved party shall have 15 days to file the appeal provided for in this subsection. The decision of the boards shall

be furnished to the appealing party in writing within 15 days after the meeting at which the appeal was considered. *The decisions of the boards are subject to appeal pursuant to section 553.73, Florida Statutes.*

Section 33. The respective Boards of Adjustment and Appeals shall have authority to interpret its respective code adopted for the county. Interpretations of the codes shall be based upon specific findings of fact and may be made when any provision of the code is ambiguous as applied to an activity subject to the code or to allow alternate material and types of construction if found to be in conformity with the intent of said code. The codes shall be interpreted liberally to provide safe, economic and sound buildings and structures in the county. Code interpretations of any Board of Adjustment and Appeals made under this section shall be final administrative actions and shall not be subject to review by the board. Final decisions of the board or any Board of Adjustment and Appeals shall be based upon substantial competent evidence and shall be subject to *review by the Florida Building Commission or the Florida State Fire Marshal* ~~certiorari review in the circuit court of the judicial circuit in and for Pinellas County~~.

Section 2. *If any section, subsection, sentence, clause, phrase, or provision of this law is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not be construed to render the remaining provisions of this law invalid or unconstitutional.*

Section 3. 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 Pinellas County; amending chapter 75-489, Laws of Florida, as amended; revising provisions relating to adoptions of codes; providing for severability; providing an effective date.

Rep. Carassas moved the adoption of the substitute amendment, which was adopted.

On motion by Rep. Carassas, the rules were waived and HB 953, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 903

Yeas—109

The Chair	Bullard	Harrington	Maygarden
Alexander	Cantens	Hart	McGriff
Allen	Carassas	Henriquez	Meadows
Andrews	Clarke	Heyman	Mealor
Argenziano	Cusack	Hogan	Melvin
Arza	Detert	Holloway	Murman
Attkisson	Diaz de la Portilla	Jennings	Needelman
Atwater	Dockery	Johnson	Negron
Ausley	Evers	Jordan	Paul
Baker	Farkas	Joyner	Peterman
Ball	Fasano	Kallinger	Pickens
Barreiro	Feeney	Kendrick	Prieguez
Baxley	Fields	Kilmer	Rich
Bean	Fiorentino	Kosmas	Richardson
Bendross-Mindingall	Flanagan	Kottkamp	Ritter
Bennett	Frankel	Kravitz	Romeo
Bense	Gannon	Kyle	Ross
Benson	Garcia	Lacasa	Russell
Berfield	Gardiner	Lee	Ryan
Betancourt	Gelber	Lerner	Seiler
Bilirakis	Gottlieb	Littlefield	Simmons
Bowen	Green	Lynn	Siplin
Brown	Greenstein	Machek	Slosberg
Brummer	Haridopolos	Mack	Smith
Brutus	Harper	Mahon	Spratt
Bucher	Harrell	Mayfield	Stansel
Trovillion	Weissman	Wilson	Wishner
Waters			

Nays—None

Votes after roll call:
Yeas—Davis, Wiles

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

HB 957—A bill to be entitled An act relating to the Lealman Special Fire Control District, Pinellas County; amending sections 3(2) and 11 of section 1 of chapter 2000-426, Laws of Florida; providing authority of the district with respect to land that is annexed by a municipality or other fire control district; providing for collection and payment of fire services taxes or assessments by such municipality or other district; providing for future repeal of the amendments made by the act; providing effective dates.

—was read the second time by title. On motion by Rep. Farkas, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 904

Yeas—114

The Chair	Carassas	Henriquez	Murman
Alexander	Clarke	Heyman	Needelman
Allen	Cusack	Hogan	Negron
Andrews	Davis	Holloway	Paul
Argenziano	Detert	Jennings	Peterman
Arza	Diaz de la Portilla	Johnson	Pickens
Attkisson	Diaz-Balart	Jordan	Prieguez
Atwater	Dockery	Joyner	Rich
Ausley	Evers	Kallinger	Richardson
Baker	Farkas	Kendrick	Ritter
Ball	Fasano	Kilmer	Romeo
Barreiro	Feeney	Kosmas	Ross
Baxley	Fields	Kottkamp	Rubio
Bean	Fiorentino	Kravitz	Russell
Bendross-Mindingall	Flanagan	Kyle	Ryan
Bennett	Frankel	Lacasa	Seiler
Bense	Gannon	Lee	Simmons
Benson	Garcia	Lerner	Siplin
Berfield	Gardiner	Littlefield	Slosberg
Betancourt	Gelber	Lynn	Smith
Bilirakis	Gibson	Machek	Spratt
Bowen	Goodlette	Mack	Stansel
Brown	Gottlieb	Mahon	Trovillion
Brummer	Green	Mayfield	Waters
Brutus	Greenstein	Maygarden	Weissman
Bucher	Harper	McGriff	Wilson
Bullard	Harrell	Meadows	Wishner
Byrd	Harrington	Mealor	
Cantens	Hart	Melvin	

Nays—None

Votes after roll call:
Yeas—Haridopolos, Wiles

So the bill passed and was immediately certified to the Senate.

HB 959—A bill to be entitled An act relating to Volusia County; providing for extension of the corporate limits of the City of South Daytona and the City of Port Orange; providing for the annexation of the unincorporated areas lying between the City of South Daytona and the City of Port Orange; providing an effective date.

—was read the second time by title.

The Committee on Local Government & Veterans Affairs offered the following:

(Amendment Bar Code: 270945)

Amendment 1—On page 11, lines 21 through 22
remove: upon becoming a law

and insert: *on October 1, 2002*

Rep. Kosmas moved the adoption of the amendment, which was adopted.

The Committee on Local Government & Veterans Affairs offered the following:

(Amendment Bar Code: 335611)

Amendment 2—On page 11, lines 15 through 20,
remove: all of said lines

Rep. Kosmas moved the adoption of the amendment, which was adopted.

On motion by Rep. Kosmas, the rules were waived and HB 959, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 905

Yeas—117

The Chair	Clarke	Heyman	Negron
Alexander	Cusack	Hogan	Paul
Allen	Davis	Holloway	Peterman
Andrews	Detert	Jennings	Pickens
Argenziano	Diaz de la Portilla	Johnson	Prieguez
Arza	Diaz-Balart	Jordan	Rich
Attkisson	Dockery	Joyner	Richardson
Atwater	Evers	Kallinger	Ritter
Ausley	Farkas	Kendrick	Romeo
Baker	Fasano	Kilmer	Ross
Ball	Feeney	Kosmas	Rubio
Barreiro	Fields	Kottkamp	Russell
Baxley	Fiorentino	Kravitz	Ryan
Bean	Flanagan	Kyle	Seiler
Bendross-Mindingall	Frankel	Lacasa	Simmons
Bennett	Gannon	Lee	Siplin
Bense	Garcia	Lerner	Slosberg
Benson	Gardiner	Littlefield	Smith
Berfield	Gelber	Lynn	Sorensen
Betancourt	Gibson	Machek	Spratt
Bilirakis	Goodlette	Mack	Stansel
Bowen	Gottlieb	Mahon	Trovillion
Brown	Green	Mayfield	Waters
Brummer	Greenstein	Maygarden	Weissman
Brutus	Haridopolos	McGriff	Wiles
Bucher	Harper	Meadows	Wilson
Bullard	Harrell	Mealor	Wishner
Byrd	Harrington	Melvin	
Cantens	Hart	Murman	
Carassas	Henriquez	Needelman	

Nays—None

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

HB 963—A bill to be entitled An act relating to Indian River County; providing for career service for employees of the Indian River County Sheriff's Office; providing for application of the act, permanent status of employees, and administration; providing for a procedure with respect to complaints against employees; providing for a disciplinary procedure and for appeals; providing for career service appeals boards; providing for status as permanent employees; providing severability; prohibiting certain actions to circumvent the act; providing an effective date.

—was read the second time by title. On motion by Rep. Mayfield, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 906

Yeas—116

The Chair	Clarke	Henriquez	Murman
Alexander	Cusack	Heyman	Needelman
Allen	Davis	Hogan	Negron
Andrews	Detert	Holloway	Paul
Argenziano	Diaz de la Portilla	Jennings	Peterman
Arza	Diaz-Balart	Johnson	Pickens
Attkisson	Dockery	Jordan	Prieguez
Atwater	Evers	Joyner	Rich
Ausley	Farkas	Kallinger	Richardson
Baker	Fasano	Kendrick	Ritter
Ball	Feeney	Kilmer	Romeo
Barreiro	Fields	Kosmas	Ross
Baxley	Fiorentino	Kottkamp	Rubio
Bean	Flanagan	Kravitz	Russell
Bendross-Mindingall	Frankel	Kyle	Ryan
Bennett	Gannon	Lacasa	Seiler
Bense	Garcia	Lee	Simmons
Benson	Gardiner	Lerner	Siplin
Berfield	Gelber	Littlefield	Slosberg
Betancourt	Gibson	Lynn	Smith
Bilirakis	Goodlette	Machek	Sorensen
Bowen	Gottlieb	Mack	Spratt
Brown	Green	Mahon	Stansel
Brummer	Greenstein	Mayfield	Trovillion
Brutus	Haridopolos	Maygarden	Waters
Bullard	Harper	McGriff	Weissman
Byrd	Harrell	Meadows	Wiles
Cantens	Harrington	Mealor	Wilson
Carassas	Hart	Melvin	Wishner

Nays—None

So the bill passed and was immediately certified to the Senate.

HB 993—A bill to be entitled An act relating to Broward County; amending chapter 27438, Laws of Florida, 1951, as amended, relating to the North Broward Hospital District; providing that the North Broward Hospital District is not a "public body" or "taxing authority" for the purposes of pt. III of ch. 163, F.S.; providing an exception with respect to community redevelopment agencies created before a specified date; providing a retroactive effective date.

—was read the second time by title. On motion by Rep. Ritter, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 907

Yeas—116

Alexander	Bilirakis	Fasano	Hart
Allen	Bowen	Feeney	Henriquez
Andrews	Brown	Fields	Heyman
Argenziano	Brummer	Fiorentino	Hogan
Arza	Brutus	Flanagan	Holloway
Attkisson	Bucher	Frankel	Jennings
Atwater	Bullard	Gannon	Johnson
Ausley	Byrd	Garcia	Jordan
Baker	Cantens	Gardiner	Joyner
Ball	Carassas	Gelber	Kallinger
Barreiro	Clarke	Gibson	Kendrick
Baxley	Cusack	Goodlette	Kilmer
Bean	Davis	Gottlieb	Kosmas
Bendross-Mindingall	Detert	Green	Kottkamp
Bennett	Diaz de la Portilla	Greenstein	Kravitz
Bense	Diaz-Balart	Haridopolos	Kyle
Benson	Dockery	Harper	Lacasa
Berfield	Evers	Harrell	Lee
Betancourt	Farkas	Harrington	Lerner

Littlefield	Melvin	Ritter	Smith
Lynn	Murman	Romeo	Sorensen
Machek	Needelman	Ross	Spratt
Mack	Negron	Rubio	Stansel
Mahon	Paul	Russell	Trovillion
Mayfield	Peterman	Ryan	Waters
Maygarden	Pickens	Seiler	Weissman
McGriff	Prieguez	Simmons	Wiles
Meadows	Rich	Siplin	Wilson
Mealor	Richardson	Slosberg	Wishner

Nays—None

So the bill passed and was immediately certified to the Senate.

HB 999—A bill to be entitled An act relating to the Troup-Indiantown Water Control District, Martin County; amending chapter 63-819, Laws of Florida; providing district status and boundaries; providing for applicability of chapters 298 and 189, Florida Statutes, and other general laws; providing a district charter; providing for liberal construction; providing a saving clause in the event any provision of the act is deemed invalid; providing an effective date.

—was read the second time by title.

The Committee on Local Government & Veterans Affairs offered the following:

(Amendment Bar Code: 950915)

Amendment 1—On page 1, lines 15 through 24,
remove: all of said lines

and insert:

Section 1. Status and boundaries of Troup-Indiantown Water Control District.—The Troup-Indiantown Water Control District is an independent special district and a public corporation of the State of Florida pursuant to chapter 298, Florida Statutes, as it may be amended from time to time. This act is a substantial rewrite of 63-819, Laws of Florida, which is hereinafter repealed. The land lying within the area

Rep. Negron moved the adoption of the amendment.

Representative(s) Negron offered the following:

(Amendment Bar Code: 223099)

Substitute Amendment 1 (with title amendment)—On page 1, lines 15-18,
remove: all of said lines

and insert:

Section 1. The charter for the Troup-Indiantown Water Control District is created to read:

And the title is amended as follows:

On page 1, lines 3-4
remove: all of said lines

and insert: Control District, Martin County; creating a charter; providing

Rep. Negron moved the adoption of the substitute amendment, which was adopted.

The Committee on Local Government & Veterans Affairs offered the following:

(Amendment Bar Code: 654587)

Amendment 2—On page 9, lines 1 through 2,
remove: all of said lines

and insert:

Section 2. Chapter 63-819, Laws of Florida, is repealed.

Section 3. This act shall take effect upon becoming a law.

Rep. Negron moved the adoption of the amendment.

Representative(s) Negron offered the following:

(Amendment Bar Code: 611511)

Substitute Amendment 2 (with title amendment)—On page 9, lines 1-2,
remove: all of said lines

and insert:

Section 2. *Chapter 63-819, Laws of Florida, is repealed.*

Section 3. This act shall take effect upon becoming a law.

And the title is amended as follows:

On page 1, line 11 of the title of the bill after the semicolon

insert: repealing chapter 63-819, Laws of Florida;

Rep. Negron moved the adoption of the substitute amendment, which was adopted.

On motion by Rep. Negron, the rules were waived and HB 999, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 908

Yeas—115

The Chair	Clarke	Henriquez	Needelman
Alexander	Cusack	Heyman	Negron
Allen	Davis	Hogan	Paul
Andrews	Detert	Holloway	Peterman
Argenziano	Diaz de la Portilla	Jennings	Pickens
Arza	Diaz-Balart	Johnson	Prieguez
Attkisson	Dockery	Jordan	Rich
Atwater	Evers	Joyner	Richardson
Ausley	Farkas	Kallinger	Ritter
Baker	Fasano	Kendrick	Romeo
Barreiro	Feeney	Kilmer	Ross
Baxley	Fields	Kosmas	Rubio
Bean	Fiorentino	Kottkamp	Russell
Bendross-Mindingall	Flanagan	Kravitz	Ryan
Bennett	Frankel	Kyle	Seiler
Bense	Gannon	Lacasa	Simmons
Benson	Garcia	Lee	Siplin
Berfield	Gardiner	Lerner	Slosberg
Betancourt	Gelber	Littlefield	Smith
Bilirakis	Gibson	Machek	Sorensen
Bowen	Goodlette	Mack	Spratt
Brown	Gottlieb	Mahon	Stansel
Brummer	Green	Mayfield	Trovillion
Brutus	Greenstein	Maygarden	Waters
Bucher	Haridopolos	McGriff	Weissman
Bullard	Harper	Meadows	Wiles
Byrd	Harrell	Mealor	Wilson
Cantens	Harrington	Melvin	Wishner
Carassas	Hart	Murman	

Nays—None

Votes after roll call:
Yeas—Ball, Lynn

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

HB 1037—A bill to be entitled An act relating to the City of Tampa, Hillsborough County, and particularly to the City Pension Fund for Firefighters and Police Officers in the City of Tampa; authorizing the City of Tampa to enter into a supplemental contract with certain firefighters and police officers to revise the benefit reduction provisions

of said Pension Fund; providing for the purchase of creditable service in said Pension Fund for past service; amending chapter 23559 (1945), Laws of Florida, as amended, relating to the General Employees' Pension Plan of the City of Tampa; revising the benefits to certain firefighters and police officers; providing that the act is contingent upon execution of a contract between the city and the bargaining agents for the firefighters and police officers; providing that active firefighters and police officers must execute certain supplemental contract provisions by a date certain or forever be barred from doing so; confirming in part the City of Tampa Firefighters and Police Officers Pension Contract; providing an effective date.

—was read the second time by title. On motion by Rep. Murman, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 909

Yeas—117

The Chair	Clarke	Heyman	Negron
Alexander	Cusack	Hogan	Paul
Allen	Davis	Holloway	Peterman
Andrews	Detert	Jennings	Pickens
Argenziano	Diaz de la Portilla	Johnson	Prieguez
Arza	Diaz-Balart	Jordan	Rich
Attkisson	Dockery	Joyner	Richardson
Atwater	Evers	Kallinger	Ritter
Ausley	Farkas	Kendrick	Romeo
Baker	Fasano	Kilmer	Ross
Ball	Feeney	Kosmas	Rubio
Barreiro	Fields	Kottkamp	Russell
Baxley	Fiorentino	Kravitz	Ryan
Bean	Flanagan	Kyle	Seiler
Bendross-Mindingall	Frankel	Lacasa	Simmons
Bennett	Gannon	Lee	Siplin
Bense	Garcia	Lerner	Slosberg
Benson	Gardiner	Littlefield	Smith
Berfield	Gelber	Lynn	Sorensen
Betancourt	Gibson	Machek	Spratt
Bilirakis	Goodlette	Mack	Stansel
Bowen	Gottlieb	Mahon	Trovillion
Brown	Green	Mayfield	Waters
Brummer	Greenstein	Maygarden	Weissman
Brutus	Haridopolos	McGriff	Wiles
Bucher	Harper	Meadows	Wilson
Bullard	Harrell	Mealor	Wishner
Byrd	Harrington	Melvin	
Cantens	Hart	Murman	
Carassas	Henriquez	Needelman	

Nays—None

So the bill passed and was immediately certified to the Senate.

REPRESENTATIVE RITTER IN THE CHAIR

HB 1047—A bill to be entitled An act relating to the Municipal Service District of Ponte Vedra Beach, St. Johns County; amending chapter 82-375, Laws of Florida, as amended; providing for District Trustees to notify the Board Chair and Governor in the case of resignation; providing for a notice of a vacancy in the Board of Trustees; providing for appointment of a District Trustee in case of vacancy; providing for creation of subdistricts; providing for taxation of subdistricts; providing that expenditures over a certain amount on capital projects must be approved by electors of the district; providing a limit on amount that may be spent on an unbudgeted capital project; providing a definition; providing for public hearings for proposed amendments to the act every 10 years; providing for a referendum; providing an effective date.

—was read the second time by title.

Representative(s) Davis offered the following:

(Amendment Bar Code: 960233)

Amendment 1—On page 3, lines 25 and 26,
remove: all of said lines

and insert:

Trustee until publication of the notice of said vacancy by the District.

Rep. Davis moved the adoption of the amendment, which was adopted.

On motion by Rep. Davis, the rules were waived and HB 1047, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 910

Yeas—115

The Chair	Clarke	Heyman	Needelman
Alexander	Cusack	Hogan	Negron
Allen	Davis	Holloway	Paul
Andrews	Detert	Jennings	Peterman
Arza	Diaz de la Portilla	Johnson	Pickens
Attkisson	Diaz-Balart	Jordan	Prieguez
Atwater	Dockery	Joyner	Rich
Ausley	Evers	Kallinger	Richardson
Baker	Farkas	Kendrick	Romeo
Ball	Fasano	Kilmer	Ross
Barreiro	Feeney	Kosmas	Rubio
Baxley	Fields	Kottkamp	Russell
Bean	Fiorentino	Kravitz	Ryan
Bendross-Mindingall	Flanagan	Kyle	Seiler
Bennett	Frankel	Lacasa	Simmons
Bense	Gannon	Lee	Siplin
Benson	Garcia	Lerner	Slosberg
Berfield	Gardiner	Littlefield	Smith
Betancourt	Gelber	Lynn	Sorensen
Bilirakis	Gibson	Machek	Spratt
Bowen	Goodlette	Mack	Stansel
Brown	Gottlieb	Mahon	Trovillion
Brummer	Greenstein	Mayfield	Wallace
Brutus	Haridopolos	Maygarden	Waters
Bucher	Harper	McGriff	Weissman
Bullard	Harrell	Meadows	Wiles
Byrd	Harrington	Mealor	Wilson
Cantens	Hart	Melvin	Wishner
Carassas	Henriquez	Murman	

Nays—None

Votes after roll call:
Yeas—Argenziano, Green

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

HB 1049—A bill to be entitled An act relating to the City of Lakeland; amending section (9)(b) of Division I of Part I of the amended Charter of the City of Lakeland, 1976; revising the type of utility the sale, lease, or disposal of which must be authorized by a two-thirds vote of the city's electors; defining "electric utility" for the purpose of the act; providing an effective date.

—was read the second time by title.

Representative(s) Ross offered the following:

(Amendment Bar Code: 082685)

Amendment 1—On page 1, line 19, after "~~light~~"
remove: ~~or water plant,~~

and insert: or water plant,

Rep. Ross moved the adoption of the amendment, which was adopted.

On motion by Rep. Ross, the rules were waived and HB 1049, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 911

Yeas—117

The Chair	Clarke	Heyman	Negron
Alexander	Cusack	Hogan	Paul
Allen	Davis	Holloway	Peterman
Andrews	Detert	Jennings	Pickens
Argenziano	Diaz de la Portilla	Johnson	Prieguez
Arza	Diaz-Balart	Jordan	Rich
Attkisson	Dockery	Joyner	Richardson
Atwater	Evers	Kallinger	Romeo
Ausley	Farkas	Kendrick	Ross
Baker	Fasano	Kilmer	Rubio
Ball	Feeney	Kosmas	Russell
Barreiro	Fields	Kottkamp	Ryan
Baxley	Fiorentino	Kravitz	Seiler
Bean	Flanagan	Kyle	Simmons
Bendross-Mindingall	Frankel	Lacasa	Siplin
Bennett	Gannon	Lee	Slosberg
Bense	Garcia	Lerner	Smith
Benson	Gardiner	Littlefield	Sorensen
Berfield	Gelber	Lynn	Spratt
Betancourt	Gibson	Machek	Stansel
Bilirakis	Goodlette	Mack	Trovillion
Bowen	Gottlieb	Mahon	Wallace
Brown	Green	Mayfield	Waters
Brummer	Greenstein	Maygarden	Weissman
Brutus	Haridopolos	McGriff	Wiles
Bucher	Harper	Meadows	Wilson
Bullard	Harrell	Mealor	Wishner
Byrd	Harrington	Melvin	
Cantens	Hart	Murman	
Carassas	Henriquez	Needelman	

Nays—None

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

CS/HB 1071—A bill to be entitled An act relating to Brevard County; creating the City of Port St. John Charter; providing a short title; providing legislative findings; providing for incorporation; providing a council-manager form of government and its powers and duties; providing for a city council and its membership, including mayor and vice mayor, qualifications and terms of office, powers and duties, compensation and expenses, and prescribed procedures relating to vacancies, including forfeiture of office, suspension, and recall; providing for meetings; providing for recordkeeping; providing certain restrictions; providing for charter officers and their appointment, removal, and compensation, filling of vacancies, qualifications, residency requirements, and powers and duties; establishing a fiscal year; providing for a budget, appropriations, amendments, and limitations; providing for elections and matters relating thereto; defining boundaries of the city; specifying general provisions relating to charter review and amendment, adjustment of districts, and standards of conduct; providing for severability; providing for a referendum, initial election of council members, transition services and compensation, first-year expenses, specified transitional matters, and state shared and gas tax revenues; providing effective dates.

—was read the second time by title. On motion by Rep. Ball, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 912

Yeas—118

The Chair	Clarke	Henriquez	Needelman
Alexander	Crow	Heyman	Negron
Allen	Cusack	Hogan	Paul
Andrews	Davis	Holloway	Peterman
Argenziano	Detert	Jennings	Pickens
Arza	Diaz de la Portilla	Johnson	Prieguez
Attkisson	Diaz-Balart	Jordan	Rich
Atwater	Dockery	Joyner	Richardson
Ausley	Evers	Kallinger	Romeo
Baker	Farkas	Kendrick	Ross
Ball	Fasano	Kilmer	Rubio
Barreiro	Feeney	Kosmas	Russell
Baxley	Fields	Kottkamp	Ryan
Bean	Fiorentino	Kravitz	Seiler
Bendross-Mindingall	Flanagan	Kyle	Simmons
Bennett	Frankel	Lacasa	Siplin
Bense	Gannon	Lee	Slosberg
Benson	Garcia	Lerner	Smith
Berfield	Gardiner	Littlefield	Sorensen
Betancourt	Gelber	Lynn	Spratt
Bilirakis	Gibson	Machek	Stansel
Bowen	Goodlette	Mack	Trovillion
Brown	Gottlieb	Mahon	Wallace
Brummer	Green	Mayfield	Waters
Brutus	Greenstein	Maygarden	Weissman
Bucher	Haridopolos	McGriff	Wiles
Bullard	Harper	Meadows	Wilson
Byrd	Harrell	Mealor	Wishner
Cantens	Harrington	Melvin	
Carassas	Hart	Murman	

Nays—None

So the bill passed and was immediately certified to the Senate.

HB 1101—A bill to be entitled An act relating to Escambia County; creating the West Florida Regional Library District, an independent special district; providing for the acquisition, construction, reconstruction, improvement, operation, maintenance, and financing of a public library system for the citizens of Escambia County and the City of Pensacola; providing boundaries; providing for library services beyond district boundaries; providing for a governing board and the manner of appointing and removing its members and for their terms of office; providing that the governing board shall serve without compensation; providing for powers; providing for levy of ad valorem taxes on real and tangible personal property subject to referendum approval of the electors; authorizing the issuance of debt obligations; providing that debt obligations payable by ad valorem taxation and maturing more than 12 months after issuance must be approved by referendum of the electors; providing for referendum; providing prohibition against levy of taxes for library purposes by certain local governments; providing for amendment; providing for severability; providing an effective date.

—was read the second time by title.

Representative(s) Maygarden offered the following:

(Amendment Bar Code: 063791)

Amendment 1—On page 12, lines 4-6,
remove: all of said lines

Rep. Maygarden moved the adoption of the amendment, which was adopted.

On motion by Rep. Maygarden, the rules were waived and HB 1101, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 913

Yeas—117

The Chair	Clarke	Heyman	Negron
Alexander	Cusack	Hogan	Paul
Allen	Davis	Holloway	Peterman
Andrews	Detert	Jennings	Pickens
Argenziano	Diaz de la Portilla	Johnson	Prieguez
Arza	Diaz-Balart	Jordan	Rich
Attkisson	Dockery	Joyner	Richardson
Atwater	Evers	Kallinger	Romeo
Ausley	Farkas	Kendrick	Ross
Baker	Fasano	Kilmer	Rubio
Ball	Feeney	Kosmas	Russell
Barreiro	Fields	Kottkamp	Ryan
Baxley	Fiorentino	Kravitz	Seiler
Bean	Flanagan	Kyle	Simmons
Bendross-Mindingall	Frankel	Lacasa	Siplin
Bennett	Gannon	Lee	Slosberg
Bense	Garcia	Lerner	Smith
Benson	Gardiner	Littlefield	Sorensen
Berfield	Gelber	Lynn	Spratt
Betancourt	Gibson	Machek	Stansel
Bilirakis	Goodlette	Mack	Trovillion
Bowen	Gottlieb	Mahon	Wallace
Brown	Green	Mayfield	Waters
Brummer	Greenstein	Maygarden	Weissman
Brutus	Haridopolos	McGriff	Wiles
Bucher	Harper	Meadows	Wilson
Bullard	Harrell	Mealor	Wishner
Byrd	Harrington	Melvin	
Cantens	Hart	Murman	
Carassas	Henriquez	Needelman	

Nays—None

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

HB 2005—A bill to be entitled An act relating to Santa Rosa County; amending chapter 79-561, Laws of Florida, as amended, relating to the Santa Rosa County Civil Service Board; revising applicability of the act and civil service system; adding, repealing, and revising definitions; revising the method of selecting the board; repealing provisions relating to hiring outside the civil service act, the certification of payrolls, the classified pay plan, efficiency standards, registers, filling vacancies, extraordinary appointments, workers' compensation, reports of actions, reduction in force, service in the armed forces, leave, physical and mental examinations, and enforcement; revising provisions relating to rulemaking and to disciplinary actions; providing that probationary employees are at-will employees; providing an effective date.

—was read the second time by title. On motion by Rep. Evers, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 914

Yeas—114

The Chair	Baxley	Brutus	Dockery
Alexander	Bean	Bucher	Evers
Allen	Bendross-Mindingall	Bullard	Farkas
Andrews	Bennett	Byrd	Fasano
Argenziano	Bense	Cantens	Fields
Arza	Benson	Carassas	Fiorentino
Attkisson	Berfield	Clarke	Flanagan
Atwater	Betancourt	Cusack	Frankel
Ausley	Bilirakis	Davis	Gannon
Baker	Bowen	Detert	Gardiner
Ball	Brown	Diaz de la Portilla	Gelber
Barreiro	Brummer	Diaz-Balart	Gibson
Goodlette	Kallinger	McGriff	Seiler
Gottlieb	Kendrick	Meadows	Simmons
Green	Kilmer	Mealor	Siplin
Greenstein	Kosmas	Melvin	Slosberg
Haridopolos	Kottkamp	Murman	Smith
Harper	Kravitz	Needelman	Sorensen
Harrell	Kyle	Negron	Spratt
Harrington	Lacasa	Paul	Stansel
Hart	Lee	Peterman	Trovillion
Henriquez	Lerner	Pickens	Wallace
Heyman	Littlefield	Prieguez	Waters
Hogan	Lynn	Rich	Weissman
Holloway	Machek	Richardson	Wiles
Jennings	Mack	Romeo	Wilson
Johnson	Mahon	Ross	Wishner
Jordan	Mayfield	Russell	
Joyner	Maygarden	Ryan	

Nays—2

Garcia	Rubio

Votes after roll call:
Nays to Yeas—Rubio

So the bill passed and was immediately certified to the Senate.

HB 1079—A bill to be entitled An act relating to Palm Beach, Hendry, and Glades Counties; providing for codification of special laws relating to the Everglades Agricultural Area Environmental Protection District, a special tax district in Palm Beach, Hendry, and Glades Counties; providing legislative intent; amending, codifying, reenacting, and repealing chapters 89-423 and 90-423, Laws of Florida, relating to the Everglades Agricultural Area Environmental District; re-creating and reenacting the district's charter; providing district status and boundaries; providing for applicability of chapters 373 and 403, Florida Statutes, and other general laws; providing for ratification of prior acts; providing for liberal construction; providing a saving clause in the event any provision of the act is deemed invalid; providing an effective date.

—was read the second time by title.

The Committee on Local Government & Veterans Affairs offered the following:

(Amendment Bar Code: 301899)

Amendment 1—On page 4, line 1 through page 7, line 19, remove: all of said lines

and insert:

Section 8, Township 43 South, Range 40 East where said right-of-way line turns South;

thence continue Southerly along the Westerly right-of-way line of said Levee L-8 to a point of intersection with the Northerly right-of-way line of State Road 80 in Section 32, Township 43 South, Range 40 East;

thence Westerly along the Northerly right-of-way line of said State Road 80 to a point in said Section 32 where the Northerly right-of-way line of State Road 80 intersects with the Northeasterly prolongation of the Northwesterly right-of-way line of the SFWMD Levee L-7;

thence Southwesterly along said Northwesterly right-of-way line of said Levee L-7 and its Northeasterly prolongation to a point near the Northwest corner of Section 3, Township 45 South, Range 39 East, where said right-of-way line turns South;

thence Southerly along the Westerly right-of-way line of said Levee L-7 to a point of intersection with the Northwesterly right-of-way line of SFWMD Levee L-6 near the East line of Section 4, Township 46 South, Range 39 East;

thence Southwesterly along the Northwesterly right-of-way line of said Levee L-6 and its Southwesterly extension to a point of intersection with the Easterly termination of the Northerly right-of-way line of SFWMD Levee L-5 near the Southwest corner of Section 22, Township 47 South, Range 38 East;

thence Westerly along the Northerly right-of-way line of said Levee L-5 to a point in Section 6, Township 48 South, Range 36 East where the right-of-way of said Levee L-5 widens;

thence continue Westerly following said Northerly right-of-way line of the widened right-of-way of said Levee L-5 to a point of intersection with the Easterly termination of the Northerly right-of-way line of SFWMD Levee L-4;

thence continue Westerly along the North line of said Levee L-4 to the Southwest corner of Section 6, Township 48 South, Range 35 East, said section corner marking the Southwest corner of the Palm Beach County limits; said section corner also being the point of intersection of the Northerly right-of-way line of said Levee L-4 with the Northeasterly right-of-way line of SFWMD Levee L-3;

thence continue through Hendry County Northwesterly along the Northeasterly right-of-way line of said Levee L-3; following Said right-of-way line, wherever it may change to a point near the Southwest corner of Section 9, Township 47 South, Range 34 East where said right-of-way line turns North;

thence continue Northerly along the Easterly Right-of-way line of said Levee L-3, following said right-of-way line wherever it may change to a point of intersection with the Southern terminus of the Easterly right-of-way line of SFWMD Levee L-2 near the Southwest corner of Section 16, Township 46 South, Range 34 East;

thence continue Northerly along the Easterly right-of-way line of said Levee L-2 to a point near the Northwest corner of Section 4, Township 45 South, Range 34 East;

thence continue along the right-of-way line of said Levee L-2 to a point of intersection with the Easterly right-of-way line of SFWMD Levee L-1;

thence continue Northerly along the Easterly right-of-way line of said Levee L-1 to a point near the Northwest corner of Section 16, Township 44 South, Range 34 East; where said right-of-way line turns West;

thence continue Westerly along the Northerly right-of-way line of said Levee L-1 to a point near the Southwest corner of Section 12, Township 44 South, Range 33 East; where said right-of-way line turns North;

thence continue Northerly along the Easterly right-of-way line of said Levee L-1 to a point near the Northwest corner of Section 12, Township 44 South, Range 33 East, where said right-of-way line turns West;

thence Westerly along the Northerly right-of-way line of said Levee L-1 to a point in the West line of Section 1, Township 44 South, Range 33 East;

thence Northerly along the West line of said Section 1,

Rep. Machek moved the adoption of the amendment, which was adopted.

The Committee on Local Government & Veterans Affairs offered the following:

(Amendment Bar Code: 104741)

Amendment 2—On page 11, line 3 through page 12, line 8, remove: all of said lines

and insert:

Management District or his or her designee. Each board member other than the executive director of the South Florida Water Management District shall hold office for a term of 4 years and until his or her successor is chosen and qualifies. The members of the board shall be residents of the state and citizens of the United States.

(2) Notice of the landowners' meeting shall be published once a week for 2 consecutive weeks in a newspaper which is in general circulation in the area of the district, the last day of such publication to be not fewer than 14 days or more than 28 days before the date of the election. The landowners, when assembled at such meeting, shall organize by electing a chair who shall conduct the meeting. At such meeting, each landowner shall be entitled to cast one vote per acre of land owned by him or her and currently classified by the property appraiser pursuant to section 193.461, Florida Statutes, as agricultural land located within the district for each supervisor to be elected. A landowner may vote in person or by proxy in writing. A fraction of an acre shall be treated as 1 acre, entitling the landowner to one vote.

(3) Notice and conduct of the meeting shall be as prescribed by subsection (2). The annual landowners' meeting to elect Supervisors shall be held in July.

Rep. Machek moved the adoption of the amendment, which was adopted.

The Committee on Local Government & Veterans Affairs offered the following:

(Amendment Bar Code: 114631)

Amendment 3—On page 15, line 9 through page 20, line 27, remove: all of said lines

and insert:

prior to August 1 of each year.

Section 6. General powers.—The district shall have, and the board may exercise, the following powers, provided such powers are exercised for the purpose specified herein:

(1) To sue and be sued in the name of the district; to adopt and use a seal and authorize the use of a facsimile thereof; to acquire, by purchase, gift, devise, or otherwise, real and personal property, or any estate therein; and to make and execute contracts and other instruments necessary or convenient to the exercise of its powers.

(2) To apply for coverage of its employees under the state retirement system in the same manner as if such employees were state employees, subject to necessary action by the district to pay employer contributions into the state retirement fund.

(3) To contract for the services of consultants to perform scientific, planning, engineering, legal, or other appropriate services of a professional nature. Such contracts shall be subject to the requirements of state law relating to public bidding.

(4) To borrow money for periods of up to 1 year and accept gifts; to apply for and use grants or loans of money or other property from the United States, the state, a unit of local government, or any person for any district purposes and enter into agreements required in connection therewith; and to hold, use, and dispose of such moneys or property for any district purposes in accordance with the terms of the gift, grant, loan, or agreement relating thereto.

(5) To adopt bylaws, rules, resolutions, and orders pursuant to the provisions of chapter 120, Florida Statutes, prescribing the powers, duties, and functions of the officers of the district; the conduct of the business of the district; the maintenance of records; and the form of certificates evidencing tax liens and all other documents and records of the district. The board may adopt administrative rules and regulations with respect to any of the projects of the district and may define the area to be included therein on such notice as is required for elections and public hearings.

(6) To maintain an office at such place or places as it may designate within a county in which the district is located, which office must be reasonably accessible to the landowners.

(7) To hold, control, and acquire by donation or purchase any public easements, dedications to public use, platted reservations for public purposes, or any reservations for those purposes authorized by this act and to make use of such easements, dedications, or reservations for any of the purposes authorized by this act.

(8) To lease as lessor or lessee to or from any person, firm, corporation, association, or body, public or private, any projects of the type that the district is authorized to undertake and facilities or property of any nature for the use of the district to carry out any of the purposes authorized by this act.

(9) To borrow money and issue certificates, warrants, notices, or other evidence of indebtedness as hereinafter provided, and to levy such special assessments as may be authorized.

(10) To cooperate or contract with other governmental agencies within or outside the boundaries of the district, as may be necessary, convenient, incidental, or proper in connection with any of the powers, duties, or purposes authorized by this act.

(11) To assess and impose upon lands in the district, not otherwise exempt as defined herein, special assessments as provided by this act.

(12) To exercise all of the powers necessary, convenient, incidental, or proper in connection with any of the powers, duties, or purposes authorized by this act.

(13) To develop and implement environmental protection programs or plans, including cooperative scientific research with public and private bodies, the construction or operation of facilities and works, and the award of grants-in-aid to other public or private bodies for the purpose of maintaining and improving air and water resource quality.

(14) To appoint, in its discretion, an advisory council to assist the board in the development of environmental protection programs consistent with the requirements of chapters 373 and 403, Florida Statutes. The advisory council shall consist of a scientific or technical representative from the South Florida Water Management District, the Department of Environmental Protection, the Fish and Wildlife Conservation Commission, the Institute for Food and Agricultural Sciences, the Department of Agriculture and Consumer Services, and the agricultural industry, and such other members as the board may determine.

(15) At any time, and from time to time after the issuance of any bonds of the district have been authorized, to borrow money for the purposes for which such bonds are to be issued in anticipation of the receipt of the proceeds of the sale of such bonds and to issue bond anticipation notes in a principal sum not in excess of the authorized maximum amount of such bond issue.

(16) To issue revenue bonds from time to time without limitation as to amount for the purpose of financing those systems and facilities provided for herein. Such revenue bonds may be secured by, or payable from, the gross or net pledge of the revenues to be derived from any project or combination of projects; from the rates, fees, or other charges to be collected from the users of any project or projects; from any revenue-producing undertaking or activity of the district; from special assessments; or from any other source or pledged security. Such bonds shall not constitute an indebtedness of the district. The district shall be authorized to issue bonds only upon approval by landowners' referendum. A meeting of the landowners shall be held for the purpose of conducting a landowners' referendum on the question of whether the district should be authorized to issue bonds. Notice, voting, and conduct of the meeting shall be as prescribed by of section 3(2).

(a) Any issue of bonds may be secured by a trust agreement by and between the district and a corporate trustee or trustees, which may be any trust company or bank having the powers of a trust company within or without the state. The resolution authorizing the issuance of the bonds or such trust agreement may pledge the revenues to be received from any projects of the district and may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as the board may approve, including, without limitation, covenants setting forth the duties of the district in relation to: the acquisition, construction, reconstruction, improvement, maintenance, repair, operation, and insurance of any projects; the fixing and revising of the rates, fees, and charges; and the custody, safeguarding, and application of all moneys and for the employment of consulting engineers in connection with such acquisition, construction, reconstruction, improvement, maintenance, repair, or operation.

(b) Bonds of each issue shall be dated; shall bear interest at such rate or rates, not to exceed the maximum rate allowed by law, including variable rates, which interest may be tax exempt or taxable for federal income tax purposes; shall mature at such time or times from their date or dates; and may be made redeemable before maturity at such price or prices and under such terms and conditions as may be determined by the board.

(17) To issue bonds for the purpose of refunding any outstanding bonds of the district.

Section 7. Special assessments; exemptions.—

(1) The district board shall have the power to levy and assess a special assessment upon each and every assessable acre or fraction thereof, up to $10 per acre, for the purposes of management and administration of the district, development, and implementation of the environmental protection plan, and to fund the construction, operation, and maintenance of assessable improvements. The benefit of implementation of said plan and other costs cited herein shall be deemed to exceed the damages of the special assessment authorized against all assessable land within the district.

(2) Annual special assessments levied pursuant to this act shall become due and be collected each year at the same time that county taxes are due and collected, and said annual assessment and levy shall be evidenced and certified by the board of supervisors not later than September 15 of each year to the tax collectors of counties in which lands of the district are situated. The district shall be exempt from all provisions of section 197.3632(3)(a), Florida Statutes, and the first-class United States mail provisions of section 197.3632(4)(b), Florida Statutes, and shall levy, assess, certify, and collect special assessments with the assistance of the county tax collectors as provided pursuant to all other applicable provisions of section 197.3632, Florida Statutes.

Rep. Machek moved the adoption of the amendment, which was adopted.

On motion by Rep. Machek, the rules were waived and HB 1079, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 915

Yeas—117

The Chair	Bowen	Fiorentino	Jennings
Alexander	Brown	Flanagan	Johnson
Allen	Brummer	Frankel	Jordan
Andrews	Brutus	Gannon	Joyner
Argenziano	Bucher	Garcia	Kallinger
Arza	Bullard	Gardiner	Kendrick
Attkisson	Byrd	Gelber	Kilmer
Atwater	Cantens	Gibson	Kosmas
Ausley	Carassas	Goodlette	Kottkamp
Baker	Clarke	Gottlieb	Kravitz
Ball	Cusack	Green	Kyle
Barreiro	Davis	Greenstein	Lacasa
Baxley	Detert	Haridopolos	Lee
Bean	Diaz de la Portilla	Harper	Lerner
Bendross-Mindingall	Diaz-Balart	Harrell	Littlefield
Bennett	Dockery	Harrington	Lynn
Bense	Evers	Hart	Machek
Benson	Farkas	Henriquez	Mack
Berfield	Fasano	Heyman	Mahon
Betancourt	Feeney	Hogan	Mayfield
Bilirakis	Fields	Holloway	Maygarden

McGriff	Pickens	Seiler	Wallace
Meadows	Prieguez	Simmons	Waters
Mealor	Rich	Siplin	Weissman
Melvin	Richardson	Slosberg	Wiles
Murman	Romeo	Smith	Wilson
Needelman	Ross	Sorensen	Wishner
Negron	Rubio	Spratt	
Paul	Russell	Stansel	
Peterman	Ryan	Trovillion	

Nays—None

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

On motion by Rep. Goodlette, the House returned to consideration of—

IV. Council for Smarter Government

CS/HB 1127—A bill to be entitled An act relating to probate and trusts; amending s. 731.303, F.S.; clarifying existing law regarding representation in the administration of a trust; providing for retroactive application; amending s. 732.2075, F.S.; revising provisions governing sources from which the elective share is payable; amending s. 733.107, F.S.; clarifying the circumstances which shift the burden of proof in certain proceedings contesting the validity of a will; amending s. 733.702, F.S.; clarifying the limitation on the presentation of claims; creating s. 737.115, F.S.; requiring certain trusts to contain a specified notice; creating s. 737.116, F.S.; providing for the establishment of trusts for the care of an animal; creating s. 737.209, F.S.; codifying existing law regarding improper distribution in the administration of a trust; amending s. 737.303, F.S.; making conforming amendments relating to the duty to inform and with respect to trust accounting; creating s. 737.3035, F.S.; codifying trust accounting principles; amending s. 737.307, F.S.; requiring notice of statute of limitations to trust beneficiaries; amending s. 660.46, F.S.; making conforming amendments relating to trust accounts and limitations period against trust entities; providing for application; providing an effective date.

—was read the second time by title.

Representative(s) Negron offered the following:

(Amendment Bar Code: 173809)

Amendment 1 (with title amendment)—On page 4, between lines 12 and 13, of the bill

insert:

Section 2. Subsection (8) of section 732.2025, Florida Statutes, is amended to read:

732.2025 Definitions.—As used in ss. 732.2025-732.2155, the term:

(8) "Qualifying special needs trust" or "supplemental needs trust" means a trust established for *an ill or* ~~a~~ disabled surviving spouse with court approval before or after a decedent's death, if, commencing on the decedent's death:

(a) The income and principal are distributable to or for the benefit of the spouse for life in the discretion of one or more trustees less than half of whom are ineligible family trustees. For purposes of this paragraph, ineligible family trustees include the decedent's grandparents and any descendants of the decedent's grandparents who are not also descendants of the surviving spouse; and

(b) During the spouse's life, no person other than the spouse has the power to distribute income or principal to anyone other than the spouse.

The requirement for court approval shall not apply if the aggregate value of all property in all qualifying special needs trusts for the spouse is less than $100,000. For purposes of this subsection, value is determined on the "applicable valuation date" as defined in s. 732.2095(1)(a).

And the title is amended as follows:

On page 1, line 6, after "application;",

insert: amending s. 732.2025, F.S.; redefining the term "qualifying special needs trust" established for a surviving spouse;

Rep. Negron moved the adoption of the amendment, which was adopted.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

CS/HB 1129—A bill to be entitled An act relating to the Public Employees Relations Commission; amending s. 447.207, F.S.; requiring the commission to report certain information each year to the President of the Senate and the Speaker of the House of Representatives; amending s. 447.305, F.S.; revising required information in applications for registration; specifying a uniform date for registrations; requiring additional information in applications for registration; specifying conditions for denial or revocation of registration by employee organizations; providing for denial of registration under certain circumstances; authorizing the commission to impose fines under certain circumstances; providing for appeal or dispute of such fines; providing for hearings before the commission; authorizing the commission to waive such fines under certain circumstances; revising a prescribed registration fee; providing for retention by the commission of certain funds; providing an effective date.

—was read the second time by title.

Representative(s) Betancourt offered the following:

(Amendment Bar Code: 704027)

Amendment 1 (with title amendment)—
remove: everything after the enacting clause,

and insert:

Section 1. Subsection (12) is added to section 447.207, Florida Statutes, to read:

447.207 Commission; powers and duties.—

(12) The commission shall file a report with the President of the Senate and the Speaker of the House of Representatives by January 1 of each year identifying the employee organizations currently registered or certified by the commission, employee organizations that renewed registration with the commission, and any employee organization whose registration or certification has been revoked by the commission during the previous calendar year.

Section 2. Section 447.305, Florida Statutes, is amended to read:

447.305 Registration of employee organization.—

(1) Every employee organization seeking to become a certified bargaining agent for public employees shall register with the commission pursuant to the procedures set forth in s. 120.60 prior to requesting recognition by a public employer for purposes of collective bargaining and prior to submitting a petition to the commission requesting certification as an exclusive bargaining agent. Further, if such employee organization is not registered, it may not participate in a representation hearing, participate in a representation election, or be certified as an exclusive bargaining agent. The application for registration required by this section shall be under oath and in such form as the commission may prescribe and shall include:

(a) The name and address of the organization and of any parent organization or *any state* organization with which it is affiliated.

(b) The names*, titles, telephone numbers,* and addresses of the principal officers and all representatives of the organization *and the names, titles, and telephone numbers of the officers of any state organization with which it is affiliated*.

(c) The amount of the initiation fee*, if any,* and of the *annual* ~~monthly~~ dues *that* ~~which~~ members *of each employee organization* must pay.

(d) The current annual financial statement of the organization.

(e) The name of its business agent, if any; if different from the business agent, the name of its local agent for service of process; and the addresses where such person or persons can be reached.

(f) A pledge, in a form prescribed by the commission, that the employee organization will conform to the laws of the state and that it will accept members without regard to age, race, sex, religion, or national origin.

(g) A copy of the current constitution and bylaws of the employee organization.

(h) A copy of the current constitution and bylaws of the state and national groups with which the employee organization is affiliated or associated. In lieu of this provision, and upon adoption of a rule by the commission, a state or national affiliate or parent organization of any registering labor organization may annually submit a copy of its current constitution and bylaws.

(2) A registration granted to an employee organization pursuant to the provisions of this section shall run *until June 30 following* ~~for 1 year from~~ the date of issuance. A registration shall be renewed *each year by July 1* ~~annually~~ by filing *an* application for renewal under oath with the commission, which application shall reflect any changes in the information provided to the commission in conjunction with the employee organization's preceding application for registration or previous renewal, whichever is applicable. Each application for renewal of registration shall include a current annual financial report, signed by its president and treasurer or corresponding principal officers, containing the following information in such detail as may be necessary accurately to disclose its financial condition and operations for its preceding fiscal year and in such categories as the commission may prescribe:

(a) Assets and liabilities at the beginning and end of the fiscal year;

(b) Receipts of any kind and the sources thereof;

(c) Salary, allowances, and other direct or indirect disbursements, including reimbursed expenses, to each officer and also to each employee who, during such fiscal year, received more than $10,000 in the aggregate from such employee organization and any other employee organization affiliated with it or with which it is affiliated or which is affiliated with the same national or international employee organization *and list the annual salaries of each of the principal officers of all state affiliates*;

(d) Direct and indirect loans made to any officer, employee, or member which aggregated more than $250 during the fiscal year, together with a statement of the purpose, security, if any, and arrangements for repayment; ~~and~~

(e) Direct and indirect loans to any business enterprise, together with a statement of the purpose, security, if any, and arrangements for repayment;~~.~~

(f) The annual dollar amount of the following benefit packages paid to each of the principal officers of the organization that is seeking renewal of registration:

1. Health, major medical, vision, or dental insurance;

2. Life insurance;

3. Retirement plans; and

4. Automobile allowances;

(g) The amount of the salary of any officer of the organization that was paid by a public employer and any amounts paid as total or partial reimbursement to the public employer by the employee organization seeking renewal of registration;

(h) Separately, each of the different bargaining units and the number of dues-paying members of each bargaining unit to be represented by the employee organization as of June 30 immediately preceding the filing; and

(i) Separately, the per-member amount of annual dues sent from the employee organization seeking renewal of registration to each state, national, or international affiliate.

(3) All applications for renewal of registration shall be filed with the commission by June 30 of each year. Within 20 days after the date an application for renewal must be filed, the commission shall notify by certified mail any employee organization that failed to file by the June 30 deadline advising that the application is overdue and that the organization shall be subject to a fine in the amount of $50 per day until the application is received. The fine shall be assessed from the date the notice is received by the employee organization. The commission shall determine the amount of fine due based upon the earliest of the following:

(a) When the application is actually received by the commission;

(b) When the application is postmarked;

(c) When the certificate of mailing is dated, if sent by certified mail; or

(d) When the receipt for an established courier company is dated, if sent by courier.

If the overdue application is not received within 60 days after the date the commission's notice is received by the organization, any application for renewal received after the 60-day period shall be denied. If the application for renewal is received within the 60-day period but the fine has not been paid, the application for renewal shall be denied. Any fine imposed under this subsection shall not exceed $1,000, and all moneys collected under this subsection shall be deposited in the Public Employees Relations Commission Trust Fund.

(4) Upon receipt of an application for renewal of registration, the commission shall examine the application and, within 30 days after such receipt, shall notify the employee organization by certified mail that the application is complete or that additional information is necessary. If the employee organization fails to provide the additional information within 20 days after the date notice is received by the employee organization, the organization shall be subject to a fine in the amount of $50 per day until the information is provided. The fine shall be assessed from the day following the 20-day period in which the organization was to provide the additional information. The commission shall determine the amount of fine due based upon the earliest of the following:

(a) When the application is actually received by the commission;

(b) When the application is postmarked;

(c) When the certificate of mailing is dated, if sent by certified mail; or

(d) When the receipt for an established courier company is dated, if sent by a courier.

If the employee organization fails to provide the additional information within 60 days after the date the commission's notice is received by the organization and the fine is not paid, the renewal of registration shall be denied. Any fine imposed under this subsection shall not exceed $1,000, and all moneys collected under this subsection shall be deposited in the Public Employees Relations Commission Trust Fund.

(5) Any employee organization may appeal or dispute a fine imposed under subsection (3) or subsection (4) based upon unusual circumstances surrounding the failure to file the application by June 30 or the failure to provide additional information to the commission. The employee organization may request and shall be entitled to a hearing before the commission, which shall have the authority to waive the fine in whole or in part. Any such request must be made within 20 days after the receipt of the notice of payment due.

(6)~~(3)~~ A registration fee shall accompany each application filed with the commission. The amount charged for an application for registration or renewal of registration *is $50* ~~shall not exceed $15~~. All such money

collected by the commission shall be deposited in the *Public Employees Relations Commission Trust* ~~General Revenue~~ Fund.

(7)~~(4)~~ Notification of registrations and renewals of registration shall be furnished at regular intervals by the commission to the Department of Labor and Employment Security.

(8)~~(5)~~ Every employee organization shall keep accurate accounts of its income and expenses, which accounts shall be open for inspection at all reasonable times by any member of the organization or by the commission.

(9) The commission shall be the custodian of all records required under this section and shall make such records available for public inspection. However, the commission shall not release to the public any personally identifying information required to be filed under paragraph (1)(b) in the case of information relating to any individual who is a sworn law enforcement officer or a correctional officer if such information is exempt under s. 119.07(3)(i).

Section 3. This act shall take effect August 1, 2002.

And the title is amended as follows:

On page 1, line 23, after the semicolon,
remove:

and insert: requiring the commission to be the custodian of certain records; requiring public access to such records; providing an exception;

Rep. Betancourt moved the adoption of the amendment.

Representative(s) Mack, Hart, Kyle, and Haridopolos offered the following:

(Amendment Bar Code: 511777)

Amendment 1 to Amendment 1—On page 7, lines 11-12,
remove: delete all of said lines

and insert: an application for registration or renewal of registration shall not exceed $15. All such money collected by the

Rep. Mack moved the adoption of the amendment to the amendment, which failed of adoption.

The question recurred on the adoption of **Amendment 1**, which was adopted.

Representative(s) Mack offered the following:

(Amendment Bar Code: 461545)

Amendment 2—On page 7, lines 22-27,
remove: all of said lines

and insert: an application for registration or renewal of registration shall not exceed $15. All

Rep. Mack moved the adoption of the amendment, which was adopted.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

CS/HB 1643—A bill to be entitled An act relating to transferring and reassigning divisions, functions, and responsibilities of the Department of Labor and Employment Security; providing for a type two transfer of the Division of Workers' Compensation to the Department of Insurance; providing for a type two transfer of workers' compensation medical services to the Agency for Health Care Administration; providing for a type two transfer of workers' compensation rehabilitation and reemployment services to the Department of Education; providing for a type two transfer of the administration of child labor laws to the Department of Business and Professional Regulation; providing for comparable pay grades for the transferred positions; authorizing the Department of Insurance to reclassify and reorganize positions within the department and establish regional offices; authorizing the Department of Insurance to enter into contracts; providing for existing contracts to be subject to review and cancellation; providing for a type two transfer of certain functions of the Office of the Secretary and the Office of Administrative Services of the Department of Labor and Employment Security relating to labor organizations and migrant and farm labor registration to the Department of Business and Professional Regulation; providing for a type two transfer of other workplace regulation functions to the Department of Business and Professional Regulation; authorizing the department to take certain action for certain purposes; providing for the transfer of the Unemployment Appeals Commission to the Agency for Workforce Innovation by a type two transfer; providing for the transfer of the Office of Information Systems to the State Technology Office by a type two transfer; requiring the Department of Insurance to submit a transfer plan and budget amendment to request that ownership of the Workers' Compensation Integrated System be transferred to the Department of Insurance under certain circumstances; authorizing the Department of Banking and Finance, in conjunction with the Office of the Attorney General, to use unexpended funds to settle certain claims; providing for the continuation of contracts or agreements of the Department of Labor and Employment Security; providing for a successor department, agency, or entity to be substituted for the Department of Labor and Employment Security as a party in interest in pending proceedings; exempting specified state agencies, on a temporary basis, from provisions relating to procurement of property and services and leasing of space; authorizing specified state agencies to develop temporary emergency rules relating to the implementation of the act; authorizing the Department of Business and Professional Regulation to transfer certain resources and make certain budget revisions for certain purposes; amending s. 20.13, F.S.; establishing the Division of Workers' Compensation within the Department of Insurance; amending s. 20.50, F.S.; revising provisions relating to the Agency for Workforce Innovation to conform; revising responsibilities of certain offices within the agency; specifying that the Unemployment Appeals Commission is not subject to the agency; amending ss. 110.205, 112.19, 112.191, 121.125, 122.03, and 238.06, F.S., to conform; amending s. 440.02, F.S.; providing a definition for the term "agency"; conforming definitions of "department" and "division" to the transfer of the Division of Workers' Compensation; amending ss. 440.021, 440.05, 440.09, 440.10, 440.102, 440.103, 440.104, 440.105, 440.106, 440.107, 440.108, 440.12, and 440.125, F.S.; conforming references to reflect the transfer of the Division of Workers' Compensation; amending s. 440.13, F.S., relating to medical services and supplies under the workers' compensation law; reassigning certain functions from the Division of Workers' Compensation to the Agency for Health Care Administration; conforming agency references to reflect the transfer of the Division of Workers' Compensation; amending ss. 440.134 and 440.14, F.S.; conforming provisions to changes made by the act; amending s. 440.15, F.S.; providing for the agency to specify certain forms and procedures governing wage loss and impairment benefits; conforming a cross reference; amending ss. 440.185, 440.191, 440.192, and 440.1925, F.S.; conforming provisions to changes made by the act; amending ss. 440.20, 440.207, and 440.211, F.S., relating to payment of compensation; conforming provisions to changes made by the act; amending s. 440.24, F.S.; providing for the sale of securities on deposit to satisfy a compensation order; amending ss. 440.25 and 440.271, F.S., relating to mediation, hearings, and appeals; conforming provisions to changes made by the act; amending ss. 440.345 and 440.35, F.S., relating to the reporting of attorney's fees and employer records of injury or death; conforming provisions to changes made by the act; amending ss. 440.38, 440.381, and 440.385, F.S., relating to security for compensation by insurance carriers and self-insurers, audits of payroll and classifications, and the creation, board of directors, powers and duties, insolvency fund, and plan of operation for the Florida Self-Insurance Guaranty Association; conforming references to reflect the transfer of the Division of Workers' Compensation; amending ss. 440.40, 440.41, and 440.42, F.S., relating to employers posting notice of compensation, substitution of carriers for employers with respect to notice and the effect of an order, and expiration of insurance policies, to conform; amending s. 440.44, F.S., relating to the administration of the Workers' Compensation Law; conforming references to reflect the transfer of the Division of Workers' Compensation; amending s. 440.45, F.S., relating to the Office of the Judges of Compensation Claims; clarifying the responsibilities of the director of the Division of Administrative Hearings as agency head of the Office of the Judges of Compensation Claims; amending s. 440.49, F.S., relating to the Special

Disability Trust Fund; conforming references to reflect the transfer of the Division of Workers' Compensation; reassigning responsibility for a report on the Special Disability Trust Fund to the Department of Insurance; amending s. 440.491, F.S., relating to the reemployment of injured workers; conforming references to the transfer of rehabilitation and reemployment services to the Department of Education; amending ss. 440.50, 440.51, and 440.52, F.S., relating to the Workers' Compensation Administration Trust Fund, expenses of administration, and certain responsibilities of insurance carriers; conforming references to reflect the transfer of the Division of Workers' Compensation; amending s. 440.525, F.S., relating to the examination of carriers; conforming agency references to the transfer of programs from the Department of Labor and Employment Security to the Department of Insurance; amending s. 440.572, F.S., to conform; amending s. 440.59, F.S., relating to division reporting requirements; eliminating unnecessary reporting requirements; amending ss. 440.591 and 440.593, F.S., relating to authorization to self-insure, reporting requirements, and rulemaking authority; conforming provisions to changes made by the act; amending s. 443.012, F.S.; providing for the Unemployment Appeals Commission to be created within the Agency for Workforce Innovation rather than the Department of Labor and Employment Security; conforming provisions; amending s. 443.036, F.S.; conforming the definition of "commission" to the transfer of the Unemployment Appeals Commission to the Agency for Workforce Innovation; amending s. 447.02, F.S.; conforming the definition of "department" to the transfer of the regulation of labor organizations to the Department of Business and Professional Regulation; amending s. 447.305, F.S.; providing that notification of registrations and renewals of registration shall be furnished to the Department of Business and Professional Regulation, to conform; amending s. 450.012, F.S.; conforming the definition of "department" to the transfer of the regulation of child labor to the Department of Business and Professional Regulation; amending s. 450.191, F.S., relating to the duties of the Executive Office of the Governor with respect to migrant labor; conforming provisions to changes made by the act; amending s. 450.28, F.S.; conforming the definition of "department" to the transfer of the regulation of farm labor to the Department of Business and Professional Regulation; amending s. 624.3161, F.S., relating to insurance market conduct examinations; conforming provisions to changes made by the act; amending s. 626.88, F.S., relating to self-insurance definitions; conforming provisions to changes made by the act; amending s. 626.989, F.S., relating to Division of Insurance Fraud reporting requirements; conforming provisions to changes made by the act and establishing reporting deadlines; amending s. 627.0915, F.S.; conforming departmental references to changes made by the act; amending s. 627.914, F.S., relating to reporting requirements by self-insurers; conforming provisions to changes made by the act; repealing s. 20.171, F.S., relating to the establishment and the authority and organizational structure of the Department of Labor and Employment Security; repealing s. 440.4416, F.S., relating to the Workers' Compensation Oversight Board; providing for severability; providing effective dates.

—was read the second time by title.

Representative(s) Clarke offered the following:

(Amendment Bar Code: 572373)

Amendment 1 (with title amendment)—
Remove: everything after the enacting clause,

and insert:

Section 1. *(1) All powers, duties, functions, rules, records, personnel, property, and unexpended balances of appropriations, allocations, and other funds of the Division of Workers' Compensation are transferred by a type two transfer, as defined in s. 20.06(2), Florida Statutes, from the Department of Labor and Employment Security to the Department of Insurance, except as otherwise provided in this subsection, as follows: the full-time equivalent positions and the associated funding for salaries, benefits, other capital outlay, and expenses related to oversight of medical services in workers' compensation provider relations, dispute and complaint resolution, program evaluation, data management, and review of carrier medical bill payments are transferred by a type two transfer, as defined in s. 20.06(2), Florida Statutes, from the Department of Labor and Employment Security to the Agency for Health Care Administration; the full-time equivalent positions and the associated funding for salaries, benefits, other capital outlay, and expenses related to the rehabilitation and reemployment of injured workers are transferred by a type two transfer, as defined in s. 20.06(2), Florida Statutes, from the Department of Labor and Employment Security to the Department of Education; and the full-time equivalent positions and the associated funding for salaries, benefits, other capital outlay, and expenses related to the administration of child labor laws under chapter 450, Florida Statutes, are transferred by a type two transfer, as defined in s. 20.06(2), Florida Statutes, from the Department of Labor and Employment Security to the Department of Business and Professional Regulation. To the extent feasible, the positions transferred to the Department of Insurance will be reclassified to pay grades comparable to the positions established by the Department of Labor and Employment Security, based on the classification codes and specifications of the positions for work to be performed at the Department of Insurance. The number of positions the department establishes may not exceed the number of authorized positions and the salary and benefits that were authorized for the Division of Workers' Compensation within the Department of Labor and Employment Security prior to the transfer. The Department of Insurance is further authorized to reassign, reorganize, reclassify, or otherwise transfer positions to appropriate administrative subdivisions within the department and to establish such regional offices as are necessary to properly enforce and administer its responsibilities under the Florida Insurance Code and chapter 440, Florida Statutes. The department may also enter into contracts with public or private entities to administer its duties and responsibilities associated with the transfer of the Division of Workers' Compensation.*

(2) All powers, duties, functions, rules, records, personnel, property, and unexpended balances of appropriations, allocations, and other funds of the Office of the Secretary and the Office of Administrative Services of the Department of Labor and Employment Security related to the regulation of labor organizations under chapter 447, Florida Statutes, and the administration of migrant labor and farm labor laws under chapter 450, Florida Statutes, are transferred by a type two transfer, as defined in s. 20.06(2), Florida Statutes, from the Department of Labor and Employment Security to the Department of Business and Professional Regulation.

(3) Any other powers, duties, functions, rules, records, property, and unexpended balances of appropriations, allocations, and other funds of the Department of Labor and Employment Security not otherwise transferred by this act relating to workplace regulation and enforcement, including, but not limited to, those under chapter 448, Florida Statutes, are transferred by a type two transfer, as defined in s. 20.06(2), Florida Statutes, from the Department of Labor and Employment Security to the Department of Business and Professional Regulation. The Department of Business and Professional Regulation is authorized to reassign, reorganize, reclassify, or otherwise transfer positions to appropriate administrative subdivisions within the department to accomplish its workplace regulation responsibilities.

(4) All powers, duties, functions, rules, records, personnel, property, and unexpended balances of appropriations, allocations, and other funds of the Unemployment Appeals Commission relating to the commission's specified authority, powers, duties, and responsibilities are transferred by a type two transfer, as defined in s. 20.06(2), Florida Statutes, to the Agency for Workforce Innovation.

(5) The Office of Information Systems is transferred by a type two transfer, as defined in s. 20.06(2), Florida Statutes, from the Department of Labor and Employment Security to the State Technology Office. Upon completion of this transfer, the State Technology Office and the Department of Insurance shall enter into discussions to determine whether it would be technologically feasible and cost effective to separate the workers' compensation related systems and transfer ownership of these systems to the Department of Insurance. If the Department of Insurance determines that it would be technologically feasible and cost effective to transfer ownership of the workers' compensation related systems from the State Technology Office to the Department of Insurance,

the Department of Insurance shall submit a transfer plan and budget amendment requesting the transfer of these systems. The transfer plan and budget amendment must be approved by the Legislative Budget Commission.

(6)(a) The records, property, and unexpended balances of appropriations, allocations, and other funds and resources of the Office of the Secretary and the Office of Administrative Services of the Department of Labor and Employment Security which support the activities and functions transferred under subsection (1) to the Department of Insurance are transferred as provided in s. 20.06(2), Florida Statutes, to the Department of Insurance.

(b) The records, property, and unexpended balances of appropriations, allocations, and other funds and resources of the Office of the Secretary and the Office of Administrative Services of the Department of Labor and Employment Security which support the activities and functions transferred under subsection (1) to the Agency for Health Care Administration are transferred as provided in s. 20.06(2), Florida Statutes, to the Agency for Health Care Administration.

(c) The records, property, and unexpended balances of appropriations, allocations, and other funds and resources of the Office of the Secretary and the Office of Administrative Services of the Department of Labor and Employment Security which support the activities and functions transferred under subsection (1) to the Department of Education are transferred as provided in s. 20.06(2), Florida Statutes, to the Department of Education.

(d) The records, property, and unexpended balances of appropriations, allocations, and other funds and resources of the Office of the Secretary and the Office of Administrative Services of the Department of Labor and Employment Security which support the activities and functions transferred under subsections (1), (2), and (3) to the Department of Business and Professional Regulation are transferred as provided in s. 20.06(2), Florida Statutes, to the Department of Business and Professional Regulation.

(e) The records, property, and unexpended balances of appropriations, allocations, and other funds and resources of the Office of the Secretary and the Office of Administrative Services of the Department of Labor and Employment Security which support the activities and functions transferred under subsection (4) to the Agency for Workforce Innovation are transferred as provided in s. 20.06(2), Florida Statutes, to the Agency for Workforce Innovation.

(f) The records, property, and unexpended balances of appropriations, allocations, and other funds and resources of the Office of the Secretary and the Office of Administrative Services of the Department of Labor and Employment Security which support the activities and functions transferred under subsection (5) to the State Technology Office are transferred as provided in s. 20.06(2), Florida Statutes, to the State Technology Office.

(7) The Department of Management Services shall become the custodian of any property of the Department of Labor and Employment Security which is not otherwise transferred for the purposes of chapter 273, Florida Statutes. The Department of Management Services is authorized to permit the use of such property by organizations as necessary to implement the provisions of this act.

(8) Any binding contract or interagency agreement existing on or before July 1, 2002, between the Department of Labor and Employment Security, or an entity or agent of the department, and any other agency, entity, or person shall continue as a binding contract or agreement for the remainder of the term of such contract or agreement with the successor department, agency, or entity responsible for the program, activity, or functions relative to the contract or agreement.

(9) This act does not affect the validity of any judicial or administrative proceeding involving the Department of Labor and Employment Security which is pending as of the effective date of any transfer under this act. The successor department, agency, or entity responsible for the program, activity, or function relative to the proceeding shall be substituted, as of the effective date of the applicable transfer under this act, for the Department of Labor and Employment Security as a party in interest in any such proceedings.

(10) So that the farm labor, child labor, and workplace regulation programs may be fully integrated into the mission of the Department of Business and Professional Regulation in an effective manner, notwithstanding the provisions of ss. 216.292 and 216.351, Florida Statutes, upon this act becoming a law, the Department of Business and Professional Regulation is authorized to transfer resources between services and make revisions to the authorized budget as necessary to reengineer business processes for the purpose of reducing costs and increasing program efficiencies. These actions are subject to the review and approval provisions in s. 216.177, Florida Statutes.

Section 2. Paragraph (k) is added to subsection (2) of section 20.13, Florida Statutes, to read:

20.13 Department of Insurance.—There is created a Department of Insurance.

(2) The following divisions of the Department of Insurance are established:

(k) Division of Workers' Compensation.

Section 3. Subsections (2) and (3) of section 20.50, Florida Statutes, are amended to read:

20.50 Agency for Workforce Innovation.—There is created the Agency for Workforce Innovation within the Department of Management Services. The agency shall be a separate budget entity, and the director of the agency shall be the agency head for all purposes. The agency shall not be subject to control, supervision, or direction by the Department of Management Services in any manner, including, but not limited to, personnel, purchasing, transactions involving real or personal property, and budgetary matters.

(2) The Agency for Workforce Innovation shall be the designated administrative agency for receipt of federal workforce development grants and other federal funds, and shall carry out the duties and responsibilities assigned by the Governor under each federal grant assigned to the agency. The agency shall be a separate budget entity and shall expend each revenue source as provided by federal and state law and as provided in plans developed by and agreements with Workforce Florida, Inc. The agency shall prepare and submit as a separate budget entity a unified budget request for workforce development, in accordance with chapter 216 for, and in conjunction with, Workforce Florida, Inc., and its board. The head of the agency is the director of Workforce Innovation, who shall be appointed by the Governor. *Accountability and reporting functions of the agency shall be administered by the director or his or her designee. Included in these functions are budget management, financial management, audit, performance management standards and controls, assessing outcomes of service delivery, and financial administration of workforce programs pursuant to s. 445.004(5) and (9).* Within the agency's overall organizational structure, the agency shall include the following offices which shall have the specified responsibilities:

(a) The Office of Workforce Services shall administer ~~state merit system program staff within~~ the *unemployment compensation program, the Rapid Response program, the Work Opportunity Tax Credit program, the Alien Labor Certification program, and any other programs that are delivered directly by agency staff rather than through the one-stop* ~~workforce service~~ delivery system~~, pursuant to policies of Workforce Florida, Inc. The office shall be responsible for delivering services through the one-stop delivery system and for ensuring that participants in welfare transition programs receive case management services, diversion assistance, support services, including subsidized child care and transportation services, Medicaid services, and transition assistance to enable them to succeed in the workforce~~. The office shall be directed by the Deputy Director for Workforce Services, who shall be appointed by and serve at the pleasure of the director.

(b) The Office of *Program Support* ~~Workforce Investment~~ and Accountability shall *administer state merit system program staff within*

the workforce service delivery system, pursuant to policies of Workforce Florida, Inc. The office shall be responsible for delivering services through the one-stop delivery system and for ensuring that participants in welfare transition programs receive case management services, diversion assistance, support services, including subsidized child care and transportation services, Medicaid services, and transition assistance to enable them to succeed in the workforce. The office shall also be responsible for *program quality assurance, grants and contract management* ~~procurement~~, contracting, financial management, ~~accounting, audits,~~ and *reporting* ~~verification~~. The office shall be directed by the Deputy Director for *Program Support* ~~Workforce Investment~~ and Accountability, who shall be appointed by and serve at the pleasure of the director. The office shall be responsible for:

~~1. Establishing standards and controls for reporting budgeting, expenditure, and performance information for assessing outcomes, service delivery, and financial administration of workforce programs pursuant to s. 445.004(5) and (9).~~

1.~~2.~~ Establishing monitoring, quality assurance, and quality improvement systems that routinely assess the quality and effectiveness of contracted programs and services.

2.~~3.~~ Annual review of each regional workforce board and administrative entity to ensure adequate systems of reporting and control are in place, and monitoring, quality assurance, and quality improvement activities are conducted routinely, and corrective action is taken to eliminate deficiencies.

(c) The Office of *Agency Support* ~~Workforce Information~~ Services shall *be responsible for procurement, human resource services, and information services including delivering* ~~deliver~~ information on labor markets, employment, occupations, and performance, and shall implement and maintain information systems that are required for the effective operation of the one-stop delivery system *and the school readiness services system*, including, but not limited to, those systems described in s. 445.009. The office will be under the direction of the Deputy Director for *Agency Support* ~~Workforce Information~~ Services, who shall be appointed by and serve at the pleasure of the director. The office shall be responsible for establishing:

1. Information systems and controls that report reliable, timely and accurate fiscal and performance data for assessing outcomes, service delivery, and financial administration of workforce programs pursuant to s. 445.004(5) and (9).

2. Information systems that support service integration and case management by providing for case tracking for participants in welfare transition programs.

3. Information systems that support school readiness services.

(d) The Unemployment Appeals Commission, authorized by s. 443.012, shall not be subject to the control, supervision, or direction by the Agency for Workforce Innovation in the performance of its powers and duties but shall receive any and all support and assistance from the agency that may be required for the performance of its duties.

(3) The Agency for Workforce Innovation shall serve as the designated agency for purposes of each federal workforce development grant assigned to it for administration. The agency shall carry out the duties assigned to it by the Governor, under the terms and conditions of each grant. The agency shall have the level of authority and autonomy necessary to be the designated recipient of each federal grant assigned to it, and shall disperse such grants pursuant to the plans and policies of Workforce Florida, Inc. The director may, upon delegation from the Governor and pursuant to agreement with Workforce Florida, Inc., sign contracts, grants, and other instruments as necessary to execute functions assigned to the agency. Notwithstanding other provisions of law, the following federal grants and other funds are assigned for administration to the Agency for Workforce Innovation:

(a) Programs authorized under Title I of the Workforce Investment Act of 1998, Pub. L. No. 105-220, except for programs funded directly by the United States Department of Labor under Title I, s. 167.

(b) Programs authorized under the Wagner-Peyser Act of 1933, as amended, 29 U.S.C. ss. 49 et seq.

(c) Welfare-to-work grants administered by the United States Department of Labor under Title IV, s. 403, of the Social Security Act, as amended.

(d) Activities authorized under Title II of the Trade Act of 1974, as amended, 2 U.S.C. ss. 2271 et seq., and the Trade Adjustment Assistance Program.

(e) Activities authorized under chapter 41 of Title 38 U.S.C., including job counseling, training, and placement for veterans.

(f) Employment and training activities carried out under the Community Services Block Grant Act, 42 U.S.C. ss. 9901 et seq.

(g) Employment and training activities carried out under funds awarded to this state by the United States Department of Housing and Urban Development.

(h) Designated state and local program expenditures under part A of Title IV of the Social Security Act for welfare transition workforce services associated with the Temporary Assistance for Needy Families Program.

(i) Programs authorized under the National and Community Service Act of 1990, 42 U.S.C. ss. 12501 et seq., and the Service-America programs, the National Service Trust programs, the Civilian Community Corps, the Corporation for National and Community Service, the American Conservation and Youth Service Corps, and the Points of Light Foundation programs, if such programs are awarded to the state.

(j) The Unemployment Compensation program provided pursuant to chapter 443.

(k)~~(j)~~ Other programs funded by federal or state appropriations, as determined by the Legislature in the General Appropriations Act or by law.

Section 4. Paragraph (m) of subsection (2) of section 110.205, Florida Statutes, is amended to read:

110.205 Career service; exemptions.—

(2) EXEMPT POSITIONS.—The exempt positions that are not covered by this part include the following:

(m) All assistant division director, deputy division director, and bureau chief positions in any department, and those positions determined by the department to have managerial responsibilities comparable to such positions, which positions include, but are not limited to, positions in the Department of Health, the Department of Children and Family Services, and the Department of Corrections that are assigned primary duties of serving as the superintendent or assistant superintendent, or warden or assistant warden, of an institution; positions in the Department of Corrections that are assigned primary duties of serving as the circuit administrator or deputy circuit administrator; positions in the Department of Transportation that are assigned primary duties of serving as regional toll managers and managers of offices as defined in s. 20.23(3)(d)3. and (4)(d); positions in the Department of Environmental Protection that are assigned the duty of an Environmental Administrator or program administrator; ~~those positions described in s. 20.171 as included in the Senior Management Service;~~ and positions in the Department of Health that are assigned the duties of Environmental Administrator, Assistant County Health Department Director, and County Health Department Financial Administrator. Unless otherwise fixed by law, the department shall set the salary and benefits of these positions in accordance with the rules established for the Selected Exempt Service.

Section 5. Paragraph (h) of subsection (2) of section 112.19, Florida Statutes, is amended to read:

112.19 Law enforcement, correctional, and correctional probation officers; death benefits.—

(2)

(h)1. Any employer who employs a full-time law enforcement, correctional, or correctional probation officer who, on or after January 1, 1995, suffers a catastrophic injury, as defined in *s. 440.02* ~~s. 440.02(37)~~, in the line of duty shall pay the entire premium of the employer's health insurance plan for the injured employee, the injured employee's spouse, and for each dependent child of the injured employee until the child reaches the age of majority or until the end of the calendar year in which the child reaches the age of 25 if the child continues to be dependent for support, or the child is a full-time or part-time student and is dependent for support. The term "health insurance plan" does not include supplemental benefits that are not part of the basic group health insurance plan. If the injured employee subsequently dies, the employer shall continue to pay the entire health insurance premium for the surviving spouse until remarried, and for the dependent children, under the conditions outlined in this paragraph. However:

a. Health insurance benefits payable from any other source shall reduce benefits payable under this section.

b. It is unlawful for a person to willfully and knowingly make, or cause to be made, or to assist, conspire with, or urge another to make, or cause to be made, any false, fraudulent, or misleading oral or written statement to obtain health insurance coverage as provided under this paragraph. A person who violates this sub-subparagraph commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

c. In addition to any applicable criminal penalty, upon conviction for a violation as described in sub-subparagraph b., a law enforcement, correctional, or correctional probation officer or other beneficiary who receives or seeks to receive health insurance benefits under this paragraph shall forfeit the right to receive such health insurance benefits, and shall reimburse the employer for all benefits paid due to the fraud or other prohibited activity. For purposes of this sub-subparagraph, "conviction" means a determination of guilt that is the result of a plea or trial, regardless of whether adjudication is withheld.

2. In order for the officer, spouse, and dependent children to be eligible for such insurance coverage, the injury must have occurred as the result of the officer's response to fresh pursuit, the officer's response to what is reasonably believed to be an emergency, or an unlawful act perpetrated by another. Except as otherwise provided herein, nothing in this paragraph shall be construed to limit health insurance coverage for which the officer, spouse, or dependent children may otherwise be eligible, except that a person who qualifies under this section shall not be eligible for the health insurance subsidy provided under chapter 121, chapter 175, or chapter 185.

Section 6. Paragraph (g) of subsection (2) of section 112.191, Florida Statutes, is amended to read:

112.191 Firefighters; death benefits.—

(2)

(g)1. Any employer who employs a full-time firefighter who, on or after January 1, 1995, suffers a catastrophic injury, as defined in *s. 440.02* ~~s. 440.02(37)~~, in the line of duty shall pay the entire premium of the employer's health insurance plan for the injured employee, the injured employee's spouse, and for each dependent child of the injured employee until the child reaches the age of majority or until the end of the calendar year in which the child reaches the age of 25 if the child continues to be dependent for support, or the child is a full-time or part-time student and is dependent for support. The term "health insurance plan" does not include supplemental benefits that are not part of the basic group health insurance plan. If the injured employee subsequently dies, the employer shall continue to pay the entire health insurance premium for the surviving spouse until remarried, and for the dependent children, under the conditions outlined in this paragraph. However:

a. Health insurance benefits payable from any other source shall reduce benefits payable under this section.

b. It is unlawful for a person to willfully and knowingly make, or cause to be made, or to assist, conspire with, or urge another to make, or cause to be made, any false, fraudulent, or misleading oral or written statement to obtain health insurance coverage as provided under this paragraph. A person who violates this sub-subparagraph commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

c. In addition to any applicable criminal penalty, upon conviction for a violation as described in sub-subparagraph b., a firefighter or other beneficiary who receives or seeks to receive health insurance benefits under this paragraph shall forfeit the right to receive such health insurance benefits, and shall reimburse the employer for all benefits paid due to the fraud or other prohibited activity. For purposes of this sub-subparagraph, "conviction" means a determination of guilt that is the result of a plea or trial, regardless of whether adjudication is withheld.

2. In order for the firefighter, spouse, and dependent children to be eligible for such insurance coverage, the injury must have occurred as the result of the firefighter's response to what is reasonably believed to be an emergency involving the protection of life or property, or an unlawful act perpetrated by another. Except as otherwise provided herein, nothing in this paragraph shall be construed to limit health insurance coverage for which the firefighter, spouse, or dependent children may otherwise be eligible, except that a person who qualifies for benefits under this section shall not be eligible for the health insurance subsidy provided under chapter 121, chapter 175, or chapter 185.

Notwithstanding any provision of this section to the contrary, the death benefits provided in paragraphs (b), (c), and (f) shall also be applicable and paid in cases where a firefighter received bodily injury prior to July 1, 1993, and subsequently died on or after July 1, 1993, as a result of such in-line-of-duty injury.

Section 7. Section 121.125, Florida Statutes, is amended to read:

121.125 Credit for workers' compensation payment periods.—A member of the retirement system created by this chapter who has been eligible or becomes eligible to receive workers' compensation payments for an injury or illness occurring during his or her employment while a member of any state retirement system shall, upon return to active employment with a covered employer for 1 calendar month or upon approval for disability retirement in accordance with s. 121.091(4), receive full retirement credit for the period prior to such return to active employment or disability retirement for which the workers' compensation payments were received. However, no member may receive retirement credit for any such period occurring after the earlier of the date *of* maximum medical improvement ~~has been attained~~ as defined in *s. 440.02* ~~s. 440.02(9)~~ or the date termination has occurred as defined in s. 121.021(39). The employer of record at the time of the worker's compensation injury or illness shall make the required retirement contributions based on the member's rate of monthly compensation immediately prior to his or her receiving workers' compensation payments for retirement credit received by the member.

Section 8. Subsection (7) of section 122.03, Florida Statutes, is amended to read:

122.03 Contributions; participants; prior service credit.—

(7) A member of the retirement system created by this chapter who has been eligible or becomes eligible to receive workers' compensation payments for an injury or illness occurring during his or her employment while a member of any state retirement system shall, upon his or her return to active employment with a covered employer for 1 calendar month or upon his or her approval for disability retirement in accordance with s. 122.09, receive full retirement credit for the period prior to such return to active employment or disability retirement for which the workers' compensation payments were received. However, no member may receive retirement credit for any such period occurring after the earlier of the date *of* maximum medical improvement ~~has been attained~~ as defined in *s. 440.02* ~~s. 440.02(9)~~ or the date termination has

occurred as defined in s. 121.021(39). The employer of record at the time of the worker's compensation injury or illness shall make the required employee and employer retirement contributions based on the member's rate of monthly compensation immediately prior to receipt of workers' compensation payments.

Section 9. Subsection (10) of section 238.06, Florida Statutes, is amended to read:

238.06 Membership application, creditable service, and time for making contributions.—

(10) A member of the retirement system created by this chapter who has been eligible or becomes eligible to receive workers' compensation payments for an injury or illness occurring during his or her employment while a member of any state retirement system shall, upon his or her return to active employment with a covered employer for 1 calendar month or upon his or her approval for disability retirement in accordance with s. 238.07, receive full retirement credit for the period prior to such return to active employment or disability retirement for which the workers' compensation payments were received. However, no member may receive retirement credit for any such period occurring after the earlier of the date *of* maximum medical improvement ~~has been attained~~ as defined in *s. 440.02* ~~s. 440.02(9)~~ or the date termination has occurred as defined in s. 121.021(39). The employer of record at the time of the worker's compensation injury or illness shall make the required employee and employer retirement contributions based on the member's rate of monthly compensation immediately prior to his or her receiving workers' compensation payments.

Section 10. Section 440.015, Florida Statutes, is amended to read:

440.015 Legislative intent.—It is the intent of the Legislature that the Workers' Compensation Law be interpreted so as to assure the quick and efficient delivery of disability and medical benefits to an injured worker and to facilitate the worker's return to gainful reemployment at a reasonable cost to the employer. It is the specific intent of the Legislature that workers' compensation cases shall be decided on their merits. The workers' compensation system in Florida is based on a mutual renunciation of common-law rights and defenses by employers and employees alike. In addition, it is the intent of the Legislature that the facts in a workers' compensation case are not to be interpreted liberally in favor of either the rights of the injured worker or the rights of the employer. Additionally, the Legislature hereby declares that disputes concerning the facts in workers' compensation cases are not to be given a broad liberal construction in favor of the employee on the one hand or of the employer on the other hand, and the laws pertaining to workers' compensation are to be construed in accordance with the basic principles of statutory construction and not liberally in favor of either employee or employer. It is the intent of the Legislature to ensure the prompt delivery of benefits to the injured worker. Therefore, an efficient and self-executing system must be created which is not an economic or administrative burden. The *department, agency, the Department of Education, and the Division of Administrative Hearings* ~~Division of Workers' Compensation~~ shall administer the Workers' Compensation Law in a manner which facilitates the self-execution of the system and the process of ensuring a prompt and cost-effective delivery of payments.

Section 11. Subsections (3) through (39) of section 440.02, Florida Statutes, are renumbered as subsections (4) through (40), respectively, a new subsection (3) is added to that section, and present subsections (11), (13), and (14) of said section are amended, to read:

440.02 Definitions.—When used in this chapter, unless the context clearly requires otherwise, the following terms shall have the following meanings:

(3) "Agency" means the Agency for Health Care Administration.

(12)~~(11)~~ "Department" means the Department of *Insurance* ~~Labor and Employment Security~~.

(14)~~(13)~~ "Division" means the Division of Workers' Compensation of the Department of *Insurance* ~~Labor and Employment Security~~.

(15)~~(14)~~(a) "Employee" means any person engaged in any employment under any appointment or contract of hire or apprenticeship, express or implied, oral or written, whether lawfully or unlawfully employed, and includes, but is not limited to, aliens and minors.

(b) "Employee" includes any person who is an officer of a corporation and who performs services for remuneration for such corporation within this state, whether or not such services are continuous.

1. Any officer of a corporation may elect to be exempt from this chapter by filing written notice of the election with the *department* ~~division~~ as provided in s. 440.05.

2. As to officers of a corporation who are actively engaged in the construction industry, no more than three officers may elect to be exempt from this chapter by filing written notice of the election with the *department* ~~division~~ as provided in s. 440.05.

3. An officer of a corporation who elects to be exempt from this chapter by filing a written notice of the election with the *department* ~~division~~ as provided in s. 440.05 is not an employee.

Services are presumed to have been rendered to the corporation if the officer is compensated by other than dividends upon shares of stock of the corporation which the officer owns.

(c) "Employee" includes a sole proprietor or a partner who devotes full time to the proprietorship or partnership and, except as provided in this paragraph, elects to be included in the definition of employee by filing notice thereof as provided in s. 440.05. Partners or sole proprietors actively engaged in the construction industry are considered employees unless they elect to be excluded from the definition of employee by filing written notice of the election with the *department* ~~division~~ as provided in s. 440.05. However, no more than three partners in a partnership that is actively engaged in the construction industry may elect to be excluded. A sole proprietor or partner who is actively engaged in the construction industry and who elects to be exempt from this chapter by filing a written notice of the election with the *department* ~~division~~ as provided in s. 440.05 is not an employee. For purposes of this chapter, an independent contractor is an employee unless he or she meets all of the conditions set forth in subparagraph (d)1.

(d) "Employee" does not include:

1. An independent contractor, if:

a. The independent contractor maintains a separate business with his or her own work facility, truck, equipment, materials, or similar accommodations;

b. The independent contractor holds or has applied for a federal employer identification number, unless the independent contractor is a sole proprietor who is not required to obtain a federal employer identification number under state or federal requirements;

c. The independent contractor performs or agrees to perform specific services or work for specific amounts of money and controls the means of performing the services or work;

d. The independent contractor incurs the principal expenses related to the service or work that he or she performs or agrees to perform;

e. The independent contractor is responsible for the satisfactory completion of work or services that he or she performs or agrees to perform and is or could be held liable for a failure to complete the work or services;

f. The independent contractor receives compensation for work or services performed for a commission or on a per-job or competitive-bid basis and not on any other basis;

g. The independent contractor may realize a profit or suffer a loss in connection with performing work or services;

h. The independent contractor has continuing or recurring business liabilities or obligations; and

i. The success or failure of the independent contractor's business depends on the relationship of business receipts to expenditures.

However, the determination as to whether an individual included in the Standard Industrial Classification Manual of 1987, Industry Numbers 0711, 0721, 0722, 0751, 0761, 0762, 0781, 0782, 0783, 0811, 0831, 0851, 2411, 2421, 2435, 2436, 2448, or 2449, or a newspaper delivery person, is an independent contractor is governed not by the criteria in this paragraph but by common-law principles, giving due consideration to the business activity of the individual.

2. A real estate salesperson or agent, if that person agrees, in writing, to perform for remuneration solely by way of commission.

3. Bands, orchestras, and musical and theatrical performers, including disk jockeys, performing in licensed premises as defined in chapter 562, if a written contract evidencing an independent contractor relationship is entered into before the commencement of such entertainment.

4. An owner-operator of a motor vehicle who transports property under a written contract with a motor carrier which evidences a relationship by which the owner-operator assumes the responsibility of an employer for the performance of the contract, if the owner-operator is required to furnish the necessary motor vehicle equipment and all costs incidental to the performance of the contract, including, but not limited to, fuel, taxes, licenses, repairs, and hired help; and the owner-operator is paid a commission for transportation service and is not paid by the hour or on some other time-measured basis.

5. A person whose employment is both casual and not in the course of the trade, business, profession, or occupation of the employer.

6. A volunteer, except a volunteer worker for the state or a county, municipality, or other governmental entity. A person who does not receive monetary remuneration for services is presumed to be a volunteer unless there is substantial evidence that a valuable consideration was intended by both employer and employee. For purposes of this chapter, the term "volunteer" includes, but is not limited to:

a. Persons who serve in private nonprofit agencies and who receive no compensation other than expenses in an amount less than or equivalent to the standard mileage and per diem expenses provided to salaried employees in the same agency or, if such agency does not have salaried employees who receive mileage and per diem, then such volunteers who receive no compensation other than expenses in an amount less than or equivalent to the customary mileage and per diem paid to salaried workers in the community as determined by the *department* ~~division~~; and

b. Volunteers participating in federal programs established under Pub. L. No. 93-113.

7. Any officer of a corporation who elects to be exempt from this chapter.

8. A sole proprietor or officer of a corporation who actively engages in the construction industry, and a partner in a partnership that is actively engaged in the construction industry, who elects to be exempt from the provisions of this chapter. Such sole proprietor, officer, or partner is not an employee for any reason until the notice of revocation of election filed pursuant to s. 440.05 is effective.

9. An exercise rider who does not work for a single horse farm or breeder, and who is compensated for riding on a case-by-case basis, provided a written contract is entered into prior to the commencement of such activity which evidences that an employee/employer relationship does not exist.

10. A taxicab, limousine, or other passenger vehicle-for-hire driver who operates said vehicles pursuant to a written agreement with a company which provides any dispatch, marketing, insurance, communications, or other services under which the driver and any fees or charges paid by the driver to the company for such services are not conditioned upon, or expressed as a proportion of, fare revenues.

11. A person who performs services as a sports official for an entity sponsoring an interscholastic sports event or for a public entity or private, nonprofit organization that sponsors an amateur sports event. For purposes of this subparagraph, such a person is an independent contractor. For purposes of this subparagraph, the term "sports official" means any person who is a neutral participant in a sports event, including, but not limited to, umpires, referees, judges, linespersons, scorekeepers, or timekeepers. This subparagraph does not apply to any person employed by a district school board who serves as a sports official as required by the employing school board or who serves as a sports official as part of his or her responsibilities during normal school hours.

Section 12. Section 440.021, Florida Statutes, is amended to read:

440.021 Exemption of workers' compensation from chapter 120.—Workers' compensation adjudications by judges of compensation claims are exempt from chapter 120, and no judge of compensation claims shall be considered an agency or a part thereof. Communications of the result of investigations by the *department* ~~division~~ pursuant to s. 440.185(4) are exempt from chapter 120. In all instances in which the *department* ~~division~~ institutes action to collect a penalty or interest which may be due pursuant to this chapter, the penalty or interest shall be assessed without hearing, and the party against which such penalty or interest is assessed shall be given written notice of such assessment and shall have the right to protest within 20 days of such notice. Upon receipt of a timely notice of protest and after such investigation as may be necessary, the *department* ~~division~~ shall, if it agrees with such protest, notify the protesting party that the assessment has been revoked. If the *department* ~~division~~ does not agree with the protest, it shall refer the matter to the judge of compensation claims for determination pursuant to s. 440.25(2)-(5). Such action of the *department* ~~division~~ is exempt from the provisions of chapter 120.

Section 13. Section 440.05, Florida Statutes, is amended to read:

440.05 Election of exemption; revocation of election; notice; certification.—

(1) Each corporate officer who elects not to accept the provisions of this chapter or who, after electing such exemption, revokes that exemption shall mail to the *department* ~~division~~ in Tallahassee notice to such effect in accordance with a form to be prescribed by the *department* ~~division~~.

(2) Each sole proprietor or partner who elects to be included in the definition of "employee" or who, after such election, revokes that election must mail to the *department* ~~division~~ in Tallahassee notice to such effect, in accordance with a form to be prescribed by the *department* ~~division~~.

(3) Each sole proprietor, partner, or officer of a corporation who is actively engaged in the construction industry and who elects an exemption from this chapter or who, after electing such exemption, revokes that exemption, must mail a written notice to such effect to the *department* ~~division~~ on a form prescribed by the *department* ~~division~~. The notice of election to be exempt from the provisions of this chapter must be notarized and under oath. The notice of election to be exempt which is submitted to the *department* ~~division~~ by the sole proprietor, partner, or officer of a corporation must list the name, federal tax identification number, social security number, all certified or registered licenses issued pursuant to chapter 489 held by the person seeking the exemption, a copy of relevant documentation as to employment status filed with the Internal Revenue Service as specified by the *department* ~~division~~, a copy of the relevant occupational license in the primary jurisdiction of the business, and, for corporate officers and partners, the registration number of the corporation or partnership filed with the Division of Corporations of the Department of State. The notice of election to be exempt must identify each sole proprietorship, partnership, or corporation that employs the person electing the exemption and must list the social security number or federal tax identification number of each such employer and the additional documentation required by this section. In addition, the notice of election to be exempt must provide that the sole proprietor, partner, or officer electing an exemption is not entitled to benefits under this

chapter, must provide that the election does not exceed exemption limits for officers and partnerships provided in s. 440.02, and must certify that any employees of the sole proprietor, partner, or officer electing an exemption are covered by workers' compensation insurance. Upon receipt of the notice of the election to be exempt, receipt of all application fees, and a determination by the *department* ~~division~~ that the notice meets the requirements of this subsection, the *department* ~~division~~ shall issue a certification of the election to the sole proprietor, partner, or officer, unless the *department* ~~division~~ determines that the information contained in the notice is invalid. The *department* ~~division~~ shall revoke a certificate of election to be exempt from coverage upon a determination by the *department* ~~division~~ that the person does not meet the requirements for exemption or that the information contained in the notice of election to be exempt is invalid. The certificate of election must list the names of the sole proprietorship, partnership, or corporation listed in the request for exemption. A new certificate of election must be obtained each time the person is employed by a new sole proprietorship, partnership, or corporation that is not listed on the certificate of election. A copy of the certificate of election must be sent to each workers' compensation carrier identified in the request for exemption. Upon filing a notice of revocation of election, a sole proprietor, partner, or officer who is a subcontractor must notify her or his contractor. Upon revocation of a certificate of election of exemption by the *department* ~~division~~, the *department* ~~division~~ shall notify the workers' compensation carriers identified in the request for exemption.

(4) The notice of election to be exempt from the provisions of this chapter must contain a notice that clearly states in substance the following: "Any person who, knowingly and with intent to injure, defraud, or deceive the *department* ~~division~~ or any employer or employee, insurance company, or purposes program, files a notice of election to be exempt containing any false or misleading information is guilty of a felony of the third degree." Each person filing a notice of election to be exempt shall personally sign the notice and attest that he or she has reviewed, understands, and acknowledges the foregoing notice.

(5) A notice given under subsection (1), subsection (2), or subsection (3) shall become effective when issued by the *department* ~~division~~ or 30 days after an application for an exemption is received by the *department* ~~division~~, whichever occurs first. However, if an accident or occupational disease occurs less than 30 days after the effective date of the insurance policy under which the payment of compensation is secured or the date the employer qualified as a self-insurer, such notice is effective as of 12:01 a.m. of the day following the date it is mailed to the *department* ~~division~~ in Tallahassee.

(6) A construction industry certificate of election to be exempt which is issued in accordance with this section shall be valid for 2 years after the effective date stated thereon. Both the effective date and the expiration date must be listed on the face of the certificate by the *department* ~~division~~. The construction industry certificate must expire at midnight, 2 years from its issue date, as noted on the face of the exemption certificate. Any person who has received from the division a construction industry certificate of election to be exempt which is in effect on December 31, 1998, shall file a new notice of election to be exempt by the last day in his or her birth month following December 1, 1998. A construction industry certificate of election to be exempt may be revoked before its expiration by the sole proprietor, partner, or officer for whom it was issued or by the *department* ~~division~~ for the reasons stated in this section. At least 60 days prior to the expiration date of a construction industry certificate of exemption issued after December 1, 1998, the *department* ~~division~~ shall send notice of the expiration date and an application for renewal to the certificateholder at the address on the certificate.

(7) Any contractor responsible for compensation under s. 440.10 may register in writing with the workers' compensation carrier for any subcontractor and shall thereafter be entitled to receive written notice from the carrier of any cancellation or nonrenewal of the policy.

(8)(a) The *department* ~~division~~ must assess a fee of $50 with each request for a construction industry certificate of election to be exempt or renewal of election to be exempt under this section.

(b) The funds collected by the *department* ~~division~~ shall be used to administer this section, to audit the businesses that pay the fee for compliance with any requirements of this chapter, and to enforce compliance with the provisions of this chapter.

(9) The *department* ~~division~~ may by rule prescribe forms and procedures for filing an election of exemption, revocation of election to be exempt, and notice of election of coverage for all employers and require specified forms to be submitted by all employers in filing for the election of exemption. The *department* ~~division~~ may by rule prescribe forms and procedures for issuing a certificate of the election of exemption.

Section 14. Paragraph (d) of subsection (7) of section 440.09, Florida Statutes, is amended to read:

440.09 Coverage.—

(7)

(d) The *agency* ~~division~~ shall provide by rule for the authorization and regulation of drug-testing policies, procedures, and methods. Testing of injured employees shall not commence until such rules are adopted.

Section 15. Paragraphs (f) and (g) of subsection (1) of section 440.10, Florida Statutes, are amended to read:

440.10 Liability for compensation.—

(1)

(f) If an employer willfully fails to secure compensation as required by this chapter, the *department* ~~division~~ may assess against the employer a penalty not to exceed $5,000 for each employee of that employer who is classified by the employer as an independent contractor but who is found by the *department* ~~division~~ to not meet the criteria for an independent contractor that are set forth in s. 440.02.

(g) For purposes of this section, a person is conclusively presumed to be an independent contractor if:

1. The independent contractor provides the general contractor with an affidavit stating that he or she meets all the requirements of s. 440.02~~(14)(d)~~; and

2. The independent contractor provides the general contractor with a valid certificate of workers' compensation insurance or a valid certificate of exemption issued by the *department* ~~division~~.

A sole proprietor, partner, or officer of a corporation who elects exemption from this chapter by filing a certificate of election under s. 440.05 may not recover benefits or compensation under this chapter. An independent contractor who provides the general contractor with both an affidavit stating that he or she meets the requirements of s. 440.02~~(14)(d)~~ and a certificate of exemption is not an employee under s. 440.02~~(14)(c)~~ and may not recover benefits under this chapter. For purposes of determining the appropriate premium for workers' compensation coverage, carriers may not consider any person who meets the requirements of this paragraph to be an employee.

Section 16. Subsection (2), paragraph (a) of subsection (3), and paragraph (g) of subsection (7) of section 440.102, Florida Statutes, are amended to read:

440.102 Drug-free workplace program requirements.—The following provisions apply to a drug-free workplace program implemented pursuant to law or to rules adopted by the Agency for Health Care Administration:

(2) DRUG TESTING.—An employer may test an employee or job applicant for any drug described in paragraph (1)(c). In order to qualify as having established a drug-free workplace program which affords an employer the ability to qualify for the discounts provided under s. 627.0915 and deny medical and indemnity benefits, under this chapter all drug testing conducted by employers shall be in conformity with the standards and procedures established in this section and all applicable

rules adopted pursuant to this section. However, an employer does not have a legal duty under this section to request an employee or job applicant to undergo drug testing. If an employer fails to maintain a drug-free workplace program in accordance with the standards and procedures established in this section and in applicable rules, the employer shall not be eligible for discounts under s. 627.0915. All employers qualifying for and receiving discounts provided under s. 627.0915 must be reported annually by the insurer to the *department* ~~division~~.

(3) NOTICE TO EMPLOYEES AND JOB APPLICANTS.—prior to his or her receiving workers' compensation payments.

(a) One time only, prior to testing, an employer shall give all employees and job applicants for employment a written policy statement which contains:

1. A general statement of the employer's policy on employee drug use, which must identify:

a. The types of drug testing an employee or job applicant may be required to submit to, including reasonable-suspicion drug testing or drug testing conducted on any other basis.

b. The actions the employer may take against an employee or job applicant on the basis of a positive confirmed drug test result.

2. A statement advising the employee or job applicant of the existence of this section.

3. A general statement concerning confidentiality.

4. Procedures for employees and job applicants to confidentially report to a medical review officer the use of prescription or nonprescription medications to a medical review officer both before and after being tested.

5. A list of the most common medications, by brand name or common name, as applicable, as well as by chemical name, which may alter or affect a drug test. A list of such medications as developed by the Agency for Health Care Administration shall be available to employers through the ~~Division of Workers' Compensation of the~~ department ~~of Labor and Employment Security~~.

6. The consequences of refusing to submit to a drug test.

7. A representative sampling of names, addresses, and telephone numbers of employee assistance programs and local drug rehabilitation programs.

8. A statement that an employee or job applicant who receives a positive confirmed test result may contest or explain the result to the medical review officer within 5 working days after receiving written notification of the test result; that if an employee's or job applicant's explanation or challenge is unsatisfactory to the medical review officer, the medical review officer shall report a positive test result back to the employer; and that a person may contest the drug test result pursuant to law or to rules adopted by the Agency for Health Care Administration.

9. A statement informing the employee or job applicant of his or her responsibility to notify the laboratory of any administrative or civil action brought pursuant to this section.

10. A list of all drugs for which the employer will test, described by brand name or common name, as applicable, as well as by chemical name.

11. A statement regarding any applicable collective bargaining agreement or contract and the right to appeal to the Public Employees Relations Commission or applicable court.

12. A statement notifying employees and job applicants of their right to consult with a medical review officer for technical information regarding prescription or nonprescription medication.

(7) EMPLOYER PROTECTION.—

(g) This section does not prohibit an employer from conducting medical screening or other tests required, permitted, or not disallowed by any statute, rule, or regulation for the purpose of monitoring exposure of employees to toxic or other unhealthy substances in the workplace or in the performance of job responsibilities. Such screening or testing is limited to the specific substances expressly identified in the applicable statute, rule, or regulation, unless prior written consent of the employee is obtained for other tests. Such screening or testing need not be in compliance with the rules adopted by the Agency for Health Care Administration under this chapter or under s. 112.0455. A public employer may, through the use of an unbiased selection procedure, conduct random drug tests of employees occupying safety-sensitive or special-risk positions if the testing is performed in accordance with drug-testing rules adopted by the Agency for Health Care Administration and the department ~~of Labor and Employment Security~~. If applicable, random drug testing must be specified in a collective bargaining agreement as negotiated by the appropriate certified bargaining agent before such testing is implemented.

Section 17. Section 440.103, Florida Statutes, is amended to read:

440.103 Building permits; identification of minimum premium policy.—Except as otherwise provided in this chapter, every employer shall, as a condition to receiving a building permit, show proof that it has secured compensation for its employees under this chapter as provided in ss. 440.10 and 440.38. Such proof of compensation must be evidenced by a certificate of coverage issued by the carrier, a valid exemption certificate approved by the *department or the former* Division *of Workers' Compensation of the Department of Labor and Employment Security*, or a copy of the employer's authority to self-insure and shall be presented each time the employer applies for a building permit. As provided in s. 627.413(5), each certificate of coverage must show, on its face, whether or not coverage is secured under the minimum premium provisions of rules adopted by rating organizations licensed by the department ~~of Insurance~~. The words "minimum premium policy" or equivalent language shall be typed, printed, stamped, or legibly handwritten.

Section 18. Subsection (1) of section 440.104, Florida Statutes, is amended to read:

440.104 Competitive bidder; civil actions.—

(1) Any person engaged in the construction industry, as provided in *s. 440.02* ~~s. 440.02(7)~~, who loses a competitive bid for a contract shall have a cause of action for damages against the person awarded the contract for which the bid was made, if the person making the losing bid establishes that the winning bidder knew or should have known that he or she was in violation of s. 440.10, s. 440.105, or s. 440.38 while performing the work under the contract.

Section 19. Paragraph (a) of subsection (2) of section 440.105, Florida Statutes, is amended to read:

440.105 Prohibited activities; reports; penalties; limitations.—

(2) Whoever violates any provision of this subsection commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(a) It shall be unlawful for any employer to knowingly:

1. Coerce or attempt to coerce, as a precondition to employment or otherwise, an employee to obtain a certificate of election of exemption pursuant to s. 440.05.

2. Discharge or refuse to hire an employee or job applicant because the employee or applicant has filed a claim for benefits under this chapter.

3. Discharge, discipline, or take any other adverse personnel action against any employee for disclosing information to the *department* ~~division~~ or any law enforcement agency relating to any violation or suspected violation of any of the provisions of this chapter or rules promulgated hereunder.

4. Violate a stop-work order issued by the *department* ~~division~~ pursuant to s. 440.107.

Section 20. Subsections (3) and (4) of section 440.106, Florida Statutes, are amended to read:

440.106 Civil remedies; administrative penalties.—

(3) Whenever any group or individual self-insurer, carrier, rating bureau, or agent or other representative of any carrier or rating bureau is determined to have violated s. 440.105, the department ~~of Insurance~~ may revoke or suspend the authority or certification of any group or individual self-insurer, carrier, agent, or broker.

(4) The *department* ~~division~~ shall report any contractor determined in violation of requirements of this chapter to the appropriate state licensing board for disciplinary action.

Section 21. Section 440.107, Florida Statutes, is amended to read:

440.107 *Department* ~~Division~~ powers to enforce employer compliance with coverage requirements.—

(1) The Legislature finds that the failure of an employer to comply with the workers' compensation coverage requirements under this chapter poses an immediate danger to public health, safety, and welfare. The Legislature authorizes the *department* ~~division~~ to secure employer compliance with the workers' compensation coverage requirements and authorizes the *department* ~~division~~ to conduct investigations for the purpose of ensuring employer compliance.

(2) The *department* ~~division~~ and its authorized representatives may enter and inspect any place of business at any reasonable time for the limited purpose of investigating compliance with workers' compensation coverage requirements under this chapter. Each employer shall keep true and accurate business records that contain such information as the *department* ~~division~~ prescribes by rule. The business records must contain information necessary for the *department* ~~division~~ to determine compliance with workers' compensation coverage requirements and must be maintained within this state by the business, in such a manner as to be accessible within a reasonable time upon request by the *department* ~~division~~. The business records must be open to inspection and be available for copying by the *department* ~~division~~ at any reasonable time and place and as often as necessary. The *department* ~~division~~ may require from any employer any sworn or unsworn reports, pertaining to persons employed by that employer, deemed necessary for the effective administration of the workers' compensation coverage requirements.

(3) In discharging its duties, the *department* ~~division~~ may administer oaths and affirmations, certify to official acts, issue subpoenas to compel the attendance of witnesses and the production of books, papers, correspondence, memoranda, and other records deemed necessary by the *department* ~~division~~ as evidence in order to ensure proper compliance with the coverage provisions of this chapter.

(4) If a person has refused to obey a subpoena to appear before the *department* ~~division~~ or its authorized representative and produce evidence requested by the *department* ~~division~~ or to give testimony about the matter that is under investigation, a court has jurisdiction to issue an order requiring compliance with the subpoena if the court has jurisdiction in the geographical area where the inquiry is being carried on or in the area where the person who has refused the subpoena is found, resides, or transacts business. Failure to obey such a court order may be punished by the court as contempt.

(5) Whenever the *department* ~~division~~ determines that an employer who is required to secure the payment to his or her employees of the compensation provided for by this chapter has failed to do so, such failure shall be deemed an immediate serious danger to public health, safety, or welfare sufficient to justify service by the *department* ~~division~~ of a stop-work order on the employer, requiring the cessation of all business operations at the place of employment or job site. The order shall take effect upon the date of service upon the employer, unless the employer provides evidence satisfactory to the *department* ~~division~~ of having secured any necessary insurance or self-insurance and pays a civil penalty to the *department* ~~division~~, to be deposited by the *department* ~~division~~ into the Workers' Compensation Administration Trust Fund, in the amount of $100 per day for each day the employer was not in compliance with this chapter.

(6) The *department* ~~division~~ may file a complaint in the circuit court in and for Leon County to enjoin any employer, who has failed to secure compensation as required by this chapter, from employing individuals and from conducting business until the employer presents evidence satisfactory to the *department* ~~division~~ of having secured payment for compensation and pays a civil penalty to the *department* ~~division~~, to be deposited by the *department* ~~division~~ into the Workers' Compensation Administration Trust Fund, in the amount of $100 per day for each day the employer was not in compliance with this chapter.

(7) In addition to any penalty, stop-work order, or injunction, the *department* ~~division~~ may assess against any employer, who has failed to secure the payment of compensation as required by this chapter, a penalty in the amount of:

(a) Twice the amount the employer would have paid during periods it illegally failed to secure payment of compensation in the preceding 3-year period based on the employer's payroll during the preceding 3-year period; or

(b) One thousand dollars, whichever is greater.

Any penalty assessed under this subsection is due within 30 days after the date on which the employer is notified, except that, if the *department* ~~division~~ has posted a stop-work order or obtained injunctive relief against the employer, payment is due, in addition to those conditions set forth in this section, as a condition to relief from a stop-work order or an injunction. Interest shall accrue on amounts not paid when due at the rate of 1 percent per month.

(8) The *department* ~~division~~ may bring an action in circuit court to recover penalties assessed under this section, including any interest owed to the *department* ~~division~~ pursuant to this section. In any action brought by the *department* ~~division~~ pursuant to this section in which it prevails, the circuit court shall award costs, including the reasonable costs of investigation and a reasonable attorney's fee.

(9) Any judgment obtained by the *department* ~~division~~ and any penalty due pursuant to the service of a stop-work order or otherwise due under this section shall, until collected, constitute a lien upon the entire interest of the employer, legal or equitable, in any property, real or personal, tangible or intangible; however, such lien is subordinate to claims for unpaid wages and any prior recorded liens, and a lien created by this section is not valid against any person who, subsequent to such lien and in good faith and for value, purchases real or personal property from such employer or becomes the mortgagee on real or personal property of such employer, or against a subsequent attaching creditor, unless, with respect to real estate of the employer, a notice of the lien is recorded in the public records of the county where the real estate is located, and with respect to personal property of the employer, the notice is recorded with the Secretary of State.

(10) Any law enforcement agency in the state may, at the request of the *department* ~~division~~, render any assistance necessary to carry out the provisions of this section, including, but not limited to, preventing any employee or other person from remaining at a place of employment or job site after a stop-work order or injunction has taken effect.

(11) Actions by the *department* ~~division~~ under this section must be contested as provided in chapter 120. All civil penalties assessed by the *department* ~~division~~ must be paid into the Workers' Compensation Administration Trust Fund. The *department* ~~division~~ shall return any sums previously paid, upon conclusion of an action, if the *department* ~~division~~ fails to prevail and if so directed by an order of court or an administrative hearing officer. The requirements of this subsection may be met by posting a bond in an amount equal to twice the penalty and in a form approved by the *department* ~~division~~.

Section 22. Subsection (1) of section 440.108, Florida Statutes, is amended to read:

440.108 Investigatory records relating to workers' compensation employer compliance; confidentiality.—

(1) All investigatory records of the *department* ~~Division of Workers' Compensation~~ made or received pursuant to s. 440.107 and any records necessary to complete an investigation are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution until the investigation is completed or ceases to be active. For purposes of this section, an investigation is considered "active" while such investigation is being conducted by the *department* ~~division~~ with a reasonable, good faith belief that it may lead to the filing of administrative, civil, or criminal proceedings. An investigation does not cease to be active if the agency is proceeding with reasonable dispatch and there is a good faith belief that action may be initiated by the agency or other administrative or law enforcement agency. After an investigation is completed or ceases to be active, records relating to the investigation remain confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution if disclosure would:

(a) Jeopardize the integrity of another active investigation;

(b) Reveal a trade secret, as defined in s. 688.002;

(c) Reveal business or personal financial information;

(d) Reveal the identity of a confidential source;

(e) Defame or cause unwarranted damage to the good name or reputation of an individual or jeopardize the safety of an individual; or

(f) Reveal investigative techniques or procedures.

Section 23. Subsection (2) of section 440.12, Florida Statutes, is amended to read:

440.12 Time for commencement and limits on weekly rate of compensation.—

(2) Compensation for disability resulting from injuries which occur after December 31, 1974, shall not be less than $20 per week. However, if the employee's wages at the time of injury are less than $20 per week, he or she shall receive his or her full weekly wages. If the employee's wages at the time of the injury exceed $20 per week, compensation shall not exceed an amount per week which is:

(a) Equal to 100 percent of the statewide average weekly wage, determined as hereinafter provided for the year in which the injury occurred; however, the increase to 100 percent from 66 2/3 percent of the statewide average weekly wage shall apply only to injuries occurring on or after August 1, 1979; and

(b) Adjusted to the nearest dollar.

For the purpose of this subsection, the "statewide average weekly wage" means the average weekly wage paid by employers subject to the Florida Unemployment Compensation Law as reported to the *Agency for Workforce Innovation* ~~department~~ for the four calendar quarters ending each June 30, which average weekly wage shall be determined by the *Agency for Workforce Innovation* ~~department~~ on or before November 30 of each year and shall be used in determining the maximum weekly compensation rate with respect to injuries occurring in the calendar year immediately following. The statewide average weekly wage determined by the *Agency for Workforce Innovation* ~~department~~ shall be reported annually to the Legislature.

Section 24. Section 440.125, Florida Statutes, is amended to read:

440.125 Medical records and reports; identifying information in employee medical bills; confidentiality.—

~~(1)~~ Any medical records and medical reports of an injured employee and any information identifying an injured employee in medical bills which are provided to the *department,* ~~Division of Workers' Compensation of the Department of Labor and Employment Security~~ pursuant to s. 440.13 are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution, except as otherwise provided by this chapter. *The department may share any such confidential and exempt records, reports, or information received pursuant to s. 440.13 with the Agency for Health Care Administration and the Department of Education in furtherance of their official duties under ss. 440.13 and 440.134. The agency and the department shall maintain the confidential and exempt status of such records, reports, and information received.*

~~(2) The Legislature finds that it is a public necessity that an injured employee's medical records and medical reports and information identifying the employee in medical bills held by the Division of Workers' Compensation pursuant to s. 440.13 be confidential and exempt from the public records law. Public access to such information is an invasion of the injured employee's right to privacy in that personal, sensitive information would be revealed, and public knowledge of such information could lead to discrimination against the employee by coworkers and others. Additionally, there is little utility in providing public access to such information in that the effectiveness and efficiency of the workers' compensation program can be otherwise adequately monitored and evaluated.~~

Section 25. Subsections (1), (3), (4), (5), (6), (7), (8), (9), (11), (12), (13), and (15) of section 440.13, Florida Statutes, are amended to read:

440.13 Medical services and supplies; penalty for violations; limitations.—

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

(a) "Alternate medical care" means a change in treatment or health care provider.

(b) "Attendant care" means care rendered by trained professional attendants which is beyond the scope of household duties. Family members may provide nonprofessional attendant care, but may not be compensated under this chapter for care that falls within the scope of household duties and other services normally and gratuitously provided by family members. "Family member" means a spouse, father, mother, brother, sister, child, grandchild, father-in-law, mother-in-law, aunt, or uncle.

(c) "Carrier" means, for purposes of this section, insurance carrier, self-insurance fund or individually self-insured employer, or assessable mutual insurer.

(d) "Catastrophic injury" means an injury as defined in s. 440.02.

(e) "Certified health care provider" means a health care provider who has been certified by the *agency* ~~division~~ or who has entered an agreement with a licensed managed care organization to provide treatment to injured workers under this section. Certification of such health care provider must include documentation that the health care provider has read and is familiar with the portions of the statute, impairment guides, and rules which govern the provision of remedial treatment, care, and attendance.

(f) "Compensable" means a determination by a carrier or judge of compensation claims that a condition suffered by an employee results from an injury arising out of and in the course of employment.

(g) "Emergency services and care" means emergency services and care as defined in s. 395.002.

(h) "Health care facility" means any hospital licensed under chapter 395 and any health care institution licensed under chapter 400.

(i) "Health care provider" means a physician or any recognized practitioner who provides skilled services pursuant to a prescription or under the supervision or direction of a physician and who has been certified by the *agency* ~~division~~ as a health care provider. The term "health care provider" includes a health care facility.

(j) "Independent medical examiner" means a physician selected by either an employee or a carrier to render one or more independent medical examinations in connection with a dispute arising under this chapter.

(k) "Independent medical examination" means an objective evaluation of the injured employee's medical condition, including, but not limited to, impairment or work status, performed by a physician or an expert medical advisor at the request of a party, a judge of compensation claims, or the *agency* ~~division~~ to assist in the resolution of a dispute arising under this chapter.

(l) "Instance of overutilization" means a specific inappropriate service or level of service provided to an injured employee.

(m) "Medically necessary" means any medical service or medical supply which is used to identify or treat an illness or injury, is appropriate to the patient's diagnosis and status of recovery, and is consistent with the location of service, the level of care provided, and applicable practice parameters. The service should be widely accepted among practicing health care providers, based on scientific criteria, and determined to be reasonably safe. The service must not be of an experimental, investigative, or research nature, except in those instances in which prior approval of the Agency for Health Care Administration has been obtained. The Agency for Health Care Administration shall adopt rules providing for such approval on a case-by-case basis when the service or supply is shown to have significant benefits to the recovery and well-being of the patient.

(n) "Medicine" means a drug prescribed by an authorized health care provider and includes only generic drugs or single-source patented drugs for which there is no generic equivalent, unless the authorized health care provider writes or states that the brand-name drug as defined in s. 465.025 is medically necessary, or is a drug appearing on the schedule of drugs created pursuant to s. 465.025(6), or is available at a cost lower than its generic equivalent.

(o) "Palliative care" means noncurative medical services that mitigate the conditions, effects, or pain of an injury.

(p) "Pattern or practice of overutilization" means repetition of instances of overutilization within a specific medical case or multiple cases by a single health care provider.

(q) "Peer review" means an evaluation by two or more physicians licensed under the same authority and with the same or similar specialty as the physician under review, of the appropriateness, quality, and cost of health care and health services provided to a patient, based on medically accepted standards.

(r) "Physician" or "doctor" means a physician licensed under chapter 458, an osteopathic physician licensed under chapter 459, a chiropractic physician licensed under chapter 460, a podiatric physician licensed under chapter 461, an optometrist licensed under chapter 463, or a dentist licensed under chapter 466, each of whom must be certified by the *agency* ~~division~~ as a health care provider.

(s) "Reimbursement dispute" means any disagreement between a health care provider or health care facility and carrier concerning payment for medical treatment.

(t) "Utilization control" means a systematic process of implementing measures that assure overall management and cost containment of services delivered.

(u) "Utilization review" means the evaluation of the appropriateness of both the level and the quality of health care and health services provided to a patient, including, but not limited to, evaluation of the appropriateness of treatment, hospitalization, or office visits based on medically accepted standards. Such evaluation must be accomplished by means of a system that identifies the utilization of medical services based on medically accepted standards as established by medical consultants with qualifications similar to those providing the care under review, and that refers patterns and practices of overutilization to the *agency* ~~division~~.

(3) PROVIDER ELIGIBILITY; AUTHORIZATION.—

(a) As a condition to eligibility for payment under this chapter, a health care provider who renders services must be a certified health care provider and must receive authorization from the carrier before providing treatment. This paragraph does not apply to emergency care. The *agency* ~~division~~ shall adopt rules to implement the certification of health care providers.

(b) A health care provider who renders emergency care must notify the carrier by the close of the third business day after it has rendered such care. If the emergency care results in admission of the employee to a health care facility, the health care provider must notify the carrier by telephone within 24 hours after initial treatment. Emergency care is not compensable under this chapter unless the injury requiring emergency care arose as a result of a work-related accident. Pursuant to chapter 395, all licensed physicians and health care providers in this state shall be required to make their services available for emergency treatment of any employee eligible for workers' compensation benefits. To refuse to make such treatment available is cause for revocation of a license.

(c) A health care provider may not refer the employee to another health care provider, diagnostic facility, therapy center, or other facility without prior authorization from the carrier, except when emergency care is rendered. Any referral must be to a health care provider that has been certified by the *agency* ~~division~~, unless the referral is for emergency treatment.

(d) A carrier must respond, by telephone or in writing, to a request for authorization by the close of the third business day after receipt of the request. A carrier who fails to respond to a written request for authorization for referral for medical treatment by the close of the third business day after receipt of the request consents to the medical necessity for such treatment. All such requests must be made to the carrier. Notice to the carrier does not include notice to the employer.

(e) Carriers shall adopt procedures for receiving, reviewing, documenting, and responding to requests for authorization. Such procedures shall be for a health care provider certified under this section.

(f) By accepting payment under this chapter for treatment rendered to an injured employee, a health care provider consents to the jurisdiction of the *agency* ~~division~~ as set forth in subsection (11) and to the submission of all records and other information concerning such treatment to the *agency* ~~division~~ in connection with a reimbursement dispute, audit, or review as provided by this section. The health care provider must further agree to comply with any decision of the *agency* ~~division~~ rendered under this section.

(g) The employee is not liable for payment for medical treatment or services provided pursuant to this section except as otherwise provided in this section.

(h) The provisions of s. 456.053 are applicable to referrals among health care providers, as defined in subsection (1), treating injured workers.

(i) Notwithstanding paragraph (d), a claim for specialist consultations, surgical operations, physiotherapeutic or occupational therapy procedures, X-ray examinations, or special diagnostic laboratory tests that cost more than $1,000 and other specialty services that the *agency* ~~division~~ identifies by rule is not valid and reimbursable unless the services have been expressly authorized by the carrier, or unless the carrier has failed to respond within 10 days to a written request for authorization, or unless emergency care is required. The insurer shall not refuse to authorize such consultation or procedure unless the health care provider or facility is not authorized or certified or unless an expert medical advisor has determined that the consultation or procedure is not medically necessary or otherwise compensable under this chapter. Authorization of a treatment plan does not constitute express authorization for purposes of this section, except to the extent the carrier provides otherwise in its authorization procedures. This paragraph does not limit the carrier's obligation to identify and disallow overutilization or billing errors.

(j) Notwithstanding anything in this chapter to the contrary, a sick or injured employee shall be entitled, at all times, to free, full, and absolute choice in the selection of the pharmacy or pharmacist dispensing and filling prescriptions for medicines required under this

chapter. It is expressly forbidden for the *agency* ~~division~~, an employer, or a carrier, or any agent or representative of the *agency* ~~division~~, an employer, or a carrier to select the pharmacy or pharmacist which the sick or injured employee must use; condition coverage or payment on the basis of the pharmacy or pharmacist utilized; or to otherwise interfere in the selection by the sick or injured employee of a pharmacy or pharmacist.

(4) NOTICE OF TREATMENT TO CARRIER; FILING WITH *DEPARTMENT* ~~DIVISION~~.—

(a) Any health care provider providing necessary remedial treatment, care, or attendance to any injured worker shall submit treatment reports to the carrier in a format prescribed by the *department in consultation with the agency* ~~division~~. A claim for medical or surgical treatment is not valid or enforceable against such employer or employee, unless, by the close of the third business day following the first treatment, the physician providing the treatment furnishes to the employer or carrier a preliminary notice of the injury and treatment on forms prescribed by the *department in consultation with the agency* ~~division~~ and, within 15 days thereafter, furnishes to the employer or carrier a complete report, and subsequent thereto furnishes progress reports, if requested by the employer or insurance carrier, at intervals of not less than 3 weeks apart or at less frequent intervals if requested on forms prescribed by the *department in consultation with the agency* ~~division~~.

(b) Upon the request of the *department or agency* ~~Division of Workers' Compensation~~, each medical report or bill obtained or received by the employer, the carrier, or the injured employee, or the attorney for the employer, carrier, or injured employee, with respect to the remedial treatment, care, and attendance of the injured employee, including any report of an examination, diagnosis, or disability evaluation, must be filed with the *department or agency* ~~Division of Workers' Compensation~~ pursuant to rules adopted by the *department in consultation with the agency* ~~division~~. The health care provider shall also furnish to the injured employee or to his or her attorney, on demand, a copy of his or her office chart, records, and reports, and may charge the injured employee an amount authorized by the *department* ~~division~~ for the copies. Each such health care provider shall provide to the *agency or department* ~~division~~ information about the remedial treatment, care, and attendance which the *agency or department* ~~division~~ reasonably requests.

(c) It is the policy for the administration of the workers' compensation system that there be reasonable access to medical information by all parties to facilitate the self-executing features of the law. Notwithstanding the limitations in s. 456.057 and subject to the limitations in s. 381.004, upon the request of the employer, the carrier, an authorized qualified rehabilitation provider, or the attorney for the employer or carrier, the medical records of an injured employee must be furnished to those persons and the medical condition of the injured employee must be discussed with those persons, if the records and the discussions are restricted to conditions relating to the workplace injury. Any such discussions may be held before or after the filing of a claim without the knowledge, consent, or presence of any other party or his or her agent or representative. A health care provider who willfully refuses to provide medical records or to discuss the medical condition of the injured employee, after a reasonable request is made for such information pursuant to this subsection, shall be subject by the *agency* ~~division~~ to one or more of the penalties set forth in paragraph (8)(b).

(5) INDEPENDENT MEDICAL EXAMINATIONS.—

(a) In any dispute concerning overutilization, medical benefits, compensability, or disability under this chapter, the carrier or the employee may select an independent medical examiner. The examiner may be a health care provider treating or providing other care to the employee. An independent medical examiner may not render an opinion outside his or her area of expertise, as demonstrated by licensure and applicable practice parameters.

(b) Each party is bound by his or her selection of an independent medical examiner and is entitled to an alternate examiner only if:

1. The examiner is not qualified to render an opinion upon an aspect of the employee's illness or injury which is material to the claim or petition for benefits;

2. The examiner ceases to practice in the specialty relevant to the employee's condition;

3. The examiner is unavailable due to injury, death, or relocation outside a reasonably accessible geographic area; or

4. The parties agree to an alternate examiner.

Any party may request, or a judge of compensation claims may require, designation of *an agency* ~~a division~~ medical advisor as an independent medical examiner. The opinion of the advisors acting as examiners shall not be afforded the presumption set forth in paragraph (9)(c).

(c) The carrier may, at its election, contact the claimant directly to schedule a reasonable time for an independent medical examination. The carrier must confirm the scheduling agreement in writing within 5 days and notify claimant's counsel, if any, at least 7 days before the date upon which the independent medical examination is scheduled to occur. An attorney representing a claimant is not authorized to schedule independent medical evaluations under this subsection.

(d) If the employee fails to appear for the independent medical examination without good cause and fails to advise the physician at least 24 hours before the scheduled date for the examination that he or she cannot appear, the employee is barred from recovering compensation for any period during which he or she has refused to submit to such examination. Further, the employee shall reimburse the carrier 50 percent of the physician's cancellation or no-show fee unless the carrier that schedules the examination fails to timely provide to the employee a written confirmation of the date of the examination pursuant to paragraph (c) which includes an explanation of why he or she failed to appear. The employee may appeal to a judge of compensation claims for reimbursement when the carrier withholds payment in excess of the authority granted by this section.

(e) No medical opinion other than the opinion of a medical advisor appointed by the judge of compensation claims or *agency* ~~division~~, an independent medical examiner, or an authorized treating provider is admissible in proceedings before the judges of compensation claims.

(f) Attorney's fees incurred by an injured employee in connection with delay of or opposition to an independent medical examination, including, but not limited to, motions for protective orders, are not recoverable under this chapter.

(6) UTILIZATION REVIEW.—Carriers shall review all bills, invoices, and other claims for payment submitted by health care providers in order to identify overutilization and billing errors, and may hire peer review consultants or conduct independent medical evaluations. Such consultants, including peer review organizations, are immune from liability in the execution of their functions under this subsection to the extent provided in s. 766.101. If a carrier finds that overutilization of medical services or a billing error has occurred, it must disallow or adjust payment for such services or error without order of a judge of compensation claims or the *agency* ~~division~~, if the carrier, in making its determination, has complied with this section and rules adopted by the *agency* ~~division~~.

(7) UTILIZATION AND REIMBURSEMENT DISPUTES.—

(a) Any health care provider, carrier, or employer who elects to contest the disallowance or adjustment of payment by a carrier under subsection (6) must, within 30 days after receipt of notice of disallowance or adjustment of payment, petition the *agency* ~~division~~ to resolve the dispute. The petitioner must serve a copy of the petition on the carrier and on all affected parties by certified mail. The petition must be accompanied by all documents and records that support the allegations contained in the petition. Failure of a petitioner to submit such documentation to the *agency* ~~division~~ results in dismissal of the petition.

(b) The carrier must submit to the *agency* ~~division~~ within 10 days after receipt of the petition all documentation substantiating the carrier's disallowance or adjustment. Failure of the carrier to submit the requested documentation to the *agency* ~~division~~ within 10 days constitutes a waiver of all objections to the petition.

(c) Within 60 days after receipt of all documentation, the *agency* ~~division~~ must provide to the petitioner, the carrier, and the affected parties a written determination of whether the carrier properly adjusted or disallowed payment. The *agency* ~~division~~ must be guided by standards and policies set forth in this chapter, including all applicable reimbursement schedules, in rendering its determination.

(d) If the *agency* ~~division~~ finds an improper disallowance or improper adjustment of payment by an insurer, the insurer shall reimburse the health care provider, facility, insurer, or employer within 30 days, subject to the penalties provided in this subsection.

(e) The *agency* ~~division~~ shall adopt rules to carry out this subsection. The rules may include provisions for consolidating petitions filed by a petitioner and expanding the timetable for rendering a determination upon a consolidated petition.

(f) Any carrier that engages in a pattern or practice of arbitrarily or unreasonably disallowing or reducing payments to health care providers may be subject to one or more of the following penalties imposed by the *agency* ~~division~~:

1. Repayment of the appropriate amount to the health care provider.

2. An administrative fine assessed by the *agency* ~~division~~ in an amount not to exceed $5,000 per instance of improperly disallowing or reducing payments.

3. Award of the health care provider's costs, including a reasonable attorney's fee, for prosecuting the petition.

(8) PATTERN OR PRACTICE OF OVERUTILIZATION.—

(a) Carriers must report to the *agency* ~~division~~ all instances of overutilization including, but not limited to, all instances in which the carrier disallows or adjusts payment. The *agency* ~~division~~ shall determine whether a pattern or practice of overutilization exists.

(b) If the *agency* ~~division~~ determines that a health care provider has engaged in a pattern or practice of overutilization or a violation of this chapter or rules adopted by the *agency* ~~division~~, it may impose one or more of the following penalties:

1. An order of the *agency* ~~division~~ barring the provider from payment under this chapter;

2. Deauthorization of care under review;

3. Denial of payment for care rendered in the future;

4. Decertification of a health care provider certified as an expert medical advisor under subsection (9) or of a rehabilitation provider certified under s. 440.49;

5. An administrative fine assessed by the *agency* ~~division~~ in an amount not to exceed $5,000 per instance of overutilization or violation; and

6. Notification of and review by the appropriate licensing authority pursuant to s. 440.106(3).

(9) EXPERT MEDICAL ADVISORS.—

(a) The *agency* ~~division~~ shall certify expert medical advisors in each specialty to assist the *agency* ~~division~~ and the judges of compensation claims within the advisor's area of expertise as provided in this section. The *agency* ~~division~~ shall, in a manner prescribed by rule, in certifying, recertifying, or decertifying an expert medical advisor, consider the qualifications, training, impartiality, and commitment of the health care provider to the provision of quality medical care at a reasonable cost. As a prerequisite for certification or recertification, the *agency* ~~division~~ shall require, at a minimum, that an expert medical advisor have specialized workers' compensation training or experience under the workers' compensation system of this state and board certification or board eligibility.

(b) The *agency* ~~division~~ shall contract with or employ expert medical advisors to provide peer review or medical consultation to the *agency* ~~division~~ or to a judge of compensation claims in connection with resolving disputes relating to reimbursement, differing opinions of health care providers, and health care and physician services rendered under this chapter. Expert medical advisors contracting with the *agency* ~~division~~ shall, as a term of such contract, agree to provide consultation or services in accordance with the timetables set forth in this chapter and to abide by rules adopted by the *agency* ~~division~~, including, but not limited to, rules pertaining to procedures for review of the services rendered by health care providers and preparation of reports and recommendations for submission to the *agency* ~~division~~.

(c) If there is disagreement in the opinions of the health care providers, if two health care providers disagree on medical evidence supporting the employee's complaints or the need for additional medical treatment, or if two health care providers disagree that the employee is able to return to work, the *agency* ~~division~~ may, and the judge of compensation claims shall, upon his or her own motion or within 15 days after receipt of a written request by either the injured employee, the employer, or the carrier, order the injured employee to be evaluated by an expert medical advisor. The opinion of the expert medical advisor is presumed to be correct unless there is clear and convincing evidence to the contrary as determined by the judge of compensation claims. The expert medical advisor appointed to conduct the evaluation shall have free and complete access to the medical records of the employee. An employee who fails to report to and cooperate with such evaluation forfeits entitlement to compensation during the period of failure to report or cooperate.

(d) The expert medical advisor must complete his or her evaluation and issue his or her report to the *agency* ~~division~~ or to the judge of compensation claims within 45 days after receipt of all medical records. The expert medical advisor must furnish a copy of the report to the carrier and to the employee.

(e) An expert medical advisor is not liable under any theory of recovery for evaluations performed under this section without a showing of fraud or malice. The protections of s. 766.101 apply to any officer, employee, or agent of the *agency* ~~division~~ and to any officer, employee, or agent of any entity with which the *agency* ~~division~~ has contracted under this subsection.

(f) If the *agency* ~~division~~ or a judge of compensation claims determines that the services of a certified expert medical advisor are required to resolve a dispute under this section, the carrier must compensate the advisor for his or her time in accordance with a schedule adopted by the *agency* ~~division~~. The *agency* ~~division~~ may assess a penalty not to exceed $500 against any carrier that fails to timely compensate an advisor in accordance with this section.

(11) AUDITS BY *AGENCY FOR HEALTH CARE ADMINISTRATION AND THE DEPARTMENT OF INSURANCE* ~~DIVISION~~; JURISDICTION.—

(a) The *Agency for Health Care Administration* ~~Division of Workers' Compensation of the Department of Labor and Employment Security~~ may investigate health care providers to determine whether providers are complying with this chapter and with rules adopted by the *agency* ~~division~~, whether the providers are engaging in overutilization, and whether providers are engaging in improper billing practices. If the *agency* ~~division~~ finds that a health care provider has improperly billed, overutilized, or failed to comply with *agency* ~~division~~ rules or the requirements of this chapter it must notify the provider of its findings and may determine that the health care provider may not receive payment from the carrier or may impose penalties as set forth in subsection (8) or other sections of this chapter. If the health care provider has received payment from a carrier for services that were improperly billed or for overutilization, it must return those payments to the carrier. The *agency* ~~division~~ may assess a penalty not to exceed

$500 for each overpayment that is not refunded within 30 days after notification of overpayment by the *agency* ~~division~~ or carrier.

(b) The *department* ~~division~~ shall monitor and audit carriers *as provided in s. 624.3161,* to determine if medical bills are paid in accordance with this section and *department* ~~division~~ rules. ~~Any employer, if self-insured, or carrier found by the division not to be within 90 percent compliance as to the payment of medical bills after July 1, 1994, must be assessed a fine not to exceed 1 percent of the prior year's assessment levied against such entity under s. 440.51 for every quarter in which the entity fails to attain 90-percent compliance.~~ The *department* ~~division~~ shall fine *or otherwise discipline* an employer or carrier, pursuant to *this chapter, the insurance code, or* rules adopted by the *department* ~~division, for each late payment of compensation that is below the minimum 90-percent performance standard~~. ~~Any carrier that is found to be not in compliance in subsequent consecutive quarters must implement a medical-bill review program approved by the division, and the carrier is subject to disciplinary action by the Department of Insurance.~~

(c) The *agency* ~~division~~ has exclusive jurisdiction to decide any matters concerning reimbursement, to resolve any overutilization dispute under subsection (7), and to decide any question concerning overutilization under subsection (8), which question or dispute arises after January 1, 1994.

(d) The following *agency* ~~division~~ actions do not constitute agency action subject to review under ss. 120.569 and 120.57 and do not constitute actions subject to s. 120.56: referral by the entity responsible for utilization review; a decision by the *agency* ~~division~~ to refer a matter to a peer review committee; establishment by a health care provider or entity of procedures by which a peer review committee reviews the rendering of health care services; and the review proceedings, report, and recommendation of the peer review committee.

(12) CREATION OF THREE-MEMBER PANEL; GUIDES OF MAXIMUM REIMBURSEMENT ALLOWANCES.—

(a) A three-member panel is created, consisting of the Insurance Commissioner, or the Insurance Commissioner's designee, and two members to be appointed by the Governor, subject to confirmation by the Senate, one member who, on account of present or previous vocation, employment, or affiliation, shall be classified as a representative of employers, the other member who, on account of previous vocation, employment, or affiliation, shall be classified as a representative of employees. The panel shall determine statewide schedules of maximum reimbursement allowances for medically necessary treatment, care, and attendance provided by physicians, hospitals, ambulatory surgical centers, work-hardening programs, pain programs, and durable medical equipment. The maximum reimbursement allowances for inpatient hospital care shall be based on a schedule of per diem rates, to be approved by the three-member panel no later than March 1, 1994, to be used in conjunction with a precertification manual as determined by the *agency* ~~division~~. All compensable charges for hospital outpatient care shall be reimbursed at 75 percent of usual and customary charges. Until the three-member panel approves a schedule of per diem rates for inpatient hospital care and it becomes effective, all compensable charges for hospital inpatient care must be reimbursed at 75 percent of their usual and customary charges. Annually, the three-member panel shall adopt schedules of maximum reimbursement allowances for physicians, hospital inpatient care, hospital outpatient care, ambulatory surgical centers, work-hardening programs, and pain programs. However, the maximum percentage of increase in the individual reimbursement allowance may not exceed the percentage of increase in the Consumer Price Index for the previous year. An individual physician, hospital, ambulatory surgical center, pain program, or work-hardening program shall be reimbursed either the usual and customary charge for treatment, care, and attendance, the agreed-upon contract price, or the maximum reimbursement allowance in the appropriate schedule, whichever is less.

(b) As to reimbursement for a prescription medication, the reimbursement amount for a prescription shall be the average wholesale price times 1.2 plus $4.18 for the dispensing fee, except where the carrier has contracted for a lower amount. Fees for pharmaceuticals and pharmaceutical services shall be reimbursable at the applicable fee schedule amount. Where the employer or carrier has contracted for such services and the employee elects to obtain them through a provider not a party to the contract, the carrier shall reimburse at the schedule, negotiated, or contract price, whichever is lower.

(c) Reimbursement for all fees and other charges for such treatment, care, and attendance, including treatment, care, and attendance provided by any hospital or other health care provider, ambulatory surgical center, work-hardening program, or pain program, must not exceed the amounts provided by the uniform schedule of maximum reimbursement allowances as determined by the panel or as otherwise provided in this section. This subsection also applies to independent medical examinations performed by health care providers under this chapter. Until the three-member panel approves a uniform schedule of maximum reimbursement allowances and it becomes effective, all compensable charges for treatment, care, and attendance provided by physicians, ambulatory surgical centers, work-hardening programs, or pain programs shall be reimbursed at the lowest maximum reimbursement allowance across all 1992 schedules of maximum reimbursement allowances for the services provided regardless of the place of service. In determining the uniform schedule, the panel shall first approve the data which it finds representative of prevailing charges in the state for similar treatment, care, and attendance of injured persons. Each health care provider, health care facility, ambulatory surgical center, work-hardening program, or pain program receiving workers' compensation payments shall maintain records verifying their usual charges. In establishing the uniform schedule of maximum reimbursement allowances, the panel must consider:

1. The levels of reimbursement for similar treatment, care, and attendance made by other health care programs or third-party providers;

2. The impact upon cost to employers for providing a level of reimbursement for treatment, care, and attendance which will ensure the availability of treatment, care, and attendance required by injured workers;

3. The financial impact of the reimbursement allowances upon health care providers and health care facilities, including trauma centers as defined in s. 395.4001, and its effect upon their ability to make available to injured workers such medically necessary remedial treatment, care, and attendance. The uniform schedule of maximum reimbursement allowances must be reasonable, must promote health care cost containment and efficiency with respect to the workers' compensation health care delivery system, and must be sufficient to ensure availability of such medically necessary remedial treatment, care, and attendance to injured workers; and

4. The most recent average maximum allowable rate of increase for hospitals determined by the Health Care Board under chapter 408.

(13) REMOVAL OF PHYSICIANS FROM LISTS OF THOSE AUTHORIZED TO RENDER MEDICAL CARE.—The *agency* ~~division~~ shall remove from the list of physicians or facilities authorized to provide remedial treatment, care, and attendance under this chapter the name of any physician or facility found after reasonable investigation to have:

(a) Engaged in professional or other misconduct or incompetency in connection with medical services rendered under this chapter;

(b) Exceeded the limits of his or her or its professional competence in rendering medical care under this chapter, or to have made materially false statements regarding his or her or its qualifications in his or her application;

(c) Failed to transmit copies of medical reports to the employer or carrier, or failed to submit full and truthful medical reports of all his or her or its findings to the employer or carrier as required under this chapter;

(d) Solicited, or employed another to solicit for himself or herself or itself or for another, professional treatment, examination, or care of an injured employee in connection with any claim under this chapter;

(e) Refused to appear before, or to answer upon request of, the *agency* ~~division~~ or any duly authorized officer of the state, any legal question, or to produce any relevant book or paper concerning his or her conduct under any authorization granted to him or her under this chapter;

(f) Self-referred in violation of this chapter or other laws of this state; or

(g) Engaged in a pattern of practice of overutilization or a violation of this chapter or rules adopted by the *agency* ~~division~~.

(15) PRACTICE PARAMETERS.—

(a) The Agency for Health Care Administration, in conjunction with the *department* ~~division~~ and appropriate health professional associations and health-related organizations shall develop and may adopt by rule scientifically sound practice parameters for medical procedures relevant to workers' compensation claimants. Practice parameters developed under this section must focus on identifying effective remedial treatments and promoting the appropriate utilization of health care resources. Priority must be given to those procedures that involve the greatest utilization of resources either because they are the most costly or because they are the most frequently performed. Practice parameters for treatment of the 10 top procedures associated with workers' compensation injuries including the remedial treatment of lower-back injuries must be developed by December 31, 1994.

(b) The guidelines may be initially based on guidelines prepared by nationally recognized health care institutions and professional organizations but should be tailored to meet the workers' compensation goal of returning employees to full employment as quickly as medically possible, taking into consideration outcomes data collected from managed care providers and any other inpatient and outpatient facilities serving workers' compensation claimants.

(c) Procedures must be instituted which provide for the periodic review and revision of practice parameters based on the latest outcomes data, research findings, technological advancements, and clinical experiences, at least once every 3 years.

(d) Practice parameters developed under this section must be used by carriers and the *agency* ~~division~~ in evaluating the appropriateness and overutilization of medical services provided to injured employees.

Section 26. Subsection (23) of section 440.134, Florida Statutes, is amended to read:

440.134 Workers' compensation managed care arrangement.—

(23) The agency shall immediately notify the department ~~of Insurance and the Department of Labor and Employment Security~~ whenever it issues an administrative complaint or an order or otherwise initiates legal proceedings resulting in, or which may result in, suspension or revocation of an insurer's authorization.

Section 27. Subsections (3) and (4) of section 440.14, Florida Statutes, are amended to read:

440.14 Determination of pay.—

(3) The *department* ~~division~~ shall establish by rule a form which shall contain a simplified checklist of those items which may be included as "wage" for determining the average weekly wage.

(4) Upon termination of the employee or upon termination of the payment of fringe benefits of any employee who is collecting indemnity benefits pursuant to s. 440.15(2) or (3)(b), the employer shall within 7 days of such termination file a corrected 13-week wage statement reflecting the wages paid and the fringe benefits that had been paid to the injured employee, as *provided* ~~defined~~ in s. 440.02(27).

Section 28. Paragraphs (d) and (f) of subsection (1), paragraphs (c) and (d) of subsection (2), subsections (3), (4), and (6), and paragraphs (b) and (c) of subsection (10) of section 440.15, Florida Statutes, are amended to read:

440.15 Compensation for disability.—Compensation for disability shall be paid to the employee, subject to the limits provided in s. 440.12(2), as follows:

(1) PERMANENT TOTAL DISABILITY.—

(d) If an employee who is being paid compensation for permanent total disability becomes rehabilitated to the extent that she or he establishes an earning capacity, the employee shall be paid, instead of the compensation provided in paragraph (a), benefits pursuant to subsection (3). The *department* ~~division~~ shall adopt rules to enable a permanently and totally disabled employee who may have reestablished an earning capacity to undertake a trial period of reemployment without prejudicing her or his return to permanent total status in the case that such employee is unable to sustain an earning capacity.

(f)1. If permanent total disability results from injuries that occurred subsequent to June 30, 1955, and for which the liability of the employer for compensation has not been discharged under s. 440.20(11), the injured employee shall receive additional weekly compensation benefits equal to 5 percent of her or his weekly compensation rate, as established pursuant to the law in effect on the date of her or his injury, multiplied by the number of calendar years since the date of injury. The weekly compensation payable and the additional benefits payable under this paragraph, when combined, may not exceed the maximum weekly compensation rate in effect at the time of payment as determined pursuant to s. 440.12(2). Entitlement to these supplemental payments shall cease at age 62 if the employee is eligible for social security benefits under 42 U.S.C. ss. 402 and 423, whether or not the employee has applied for such benefits. These supplemental benefits shall be paid by the *department* ~~division~~ out of the Workers' Compensation Administration Trust Fund when the injury occurred subsequent to June 30, 1955, and before July 1, 1984. These supplemental benefits shall be paid by the employer when the injury occurred on or after July 1, 1984. Supplemental benefits are not payable for any period prior to October 1, 1974.

2.a. The *department* ~~division~~ shall provide by rule for the periodic reporting to the *department* ~~division~~ of all earnings of any nature and social security income by the injured employee entitled to or claiming additional compensation under subparagraph 1. Neither the *department* ~~division~~ nor the employer or carrier shall make any payment of those additional benefits provided by subparagraph 1. for any period during which the employee willfully fails or refuses to report upon request by the *department* ~~division~~ in the manner prescribed by such rules.

b. The *department* ~~division~~ shall provide by rule for the periodic reporting to the employer or carrier of all earnings of any nature and social security income by the injured employee entitled to or claiming benefits for permanent total disability. The employer or carrier is not required to make any payment of benefits for permanent total disability for any period during which the employee willfully fails or refuses to report upon request by the employer or carrier in the manner prescribed by such rules or if any employee who is receiving permanent total disability benefits refuses to apply for or cooperate with the employer or carrier in applying for social security benefits.

3. When an injured employee receives a full or partial lump-sum advance of the employee's permanent total disability compensation benefits, the employee's benefits under this paragraph shall be computed on the employee's weekly compensation rate as reduced by the lump-sum advance.

(2) TEMPORARY TOTAL DISABILITY.—

(c) Temporary total disability benefits paid pursuant to this subsection shall include such period as may be reasonably necessary for training in the use of artificial members and appliances, and shall include such period as the employee may be receiving training and education under a program pursuant to s. 440.491. Notwithstanding s. 440.02~~(9)~~, the date of maximum medical improvement for purposes of

paragraph (3)(b) shall be no earlier than the last day for which such temporary disability benefits are paid.

(d) The *department* ~~division~~ shall, by rule, provide for the periodic reporting to the *department* ~~division~~, employer, or carrier of all earned income, including income from social security, by the injured employee who is entitled to or claiming benefits for temporary total disability. The employer or carrier is not required to make any payment of benefits for temporary total disability for any period during which the employee willfully fails or refuses to report upon request by the employer or carrier in the manner prescribed by the rules. The rule must require the claimant to personally sign the claim form and attest that she or he has reviewed, understands, and acknowledges the foregoing.

(3) PERMANENT IMPAIRMENT AND WAGE-LOSS BENEFITS.—

(a) Impairment benefits.—

1. Once the employee has reached the date of maximum medical improvement, impairment benefits are due and payable within 20 days after the carrier has knowledge of the impairment.

2. The three-member panel, in cooperation with the *department* ~~division~~, shall establish and use a uniform permanent impairment rating schedule. This schedule must be based on medically or scientifically demonstrable findings as well as the systems and criteria set forth in the American Medical Association's Guides to the Evaluation of Permanent Impairment; the Snellen Charts, published by American Medical Association Committee for Eye Injuries; and the Minnesota Department of Labor and Industry Disability Schedules. The schedule should be based upon objective findings. The schedule shall be more comprehensive than the AMA Guides to the Evaluation of Permanent Impairment and shall expand the areas already addressed and address additional areas not currently contained in the guides. On August 1, 1979, and pending the adoption, by rule, of a permanent schedule, Guides to the Evaluation of Permanent Impairment, copyright 1977, 1971, 1988, by the American Medical Association, shall be the temporary schedule and shall be used for the purposes hereof. For injuries after July 1, 1990, pending the adoption by ~~division~~ rule of a uniform disability rating *agency* schedule, the Minnesota Department of Labor and Industry Disability Schedule shall be used unless that schedule does not address an injury. In such case, the Guides to the Evaluation of Permanent Impairment by the American Medical Association shall be used. Determination of permanent impairment under this schedule must be made by a physician licensed under chapter 458, a doctor of osteopathic medicine licensed under chapters 458 and 459, a chiropractic physician licensed under chapter 460, a podiatric physician licensed under chapter 461, an optometrist licensed under chapter 463, or a dentist licensed under chapter 466, as appropriate considering the nature of the injury. No other persons are authorized to render opinions regarding the existence of or the extent of permanent impairment.

3. All impairment income benefits shall be based on an impairment rating using the impairment schedule referred to in subparagraph 2. Impairment income benefits are paid weekly at the rate of 50 percent of the employee's average weekly temporary total disability benefit not to exceed the maximum weekly benefit under s. 440.12. An employee's entitlement to impairment income benefits begins the day after the employee reaches maximum medical improvement or the expiration of temporary benefits, whichever occurs earlier, and continues until the earlier of:

a. The expiration of a period computed at the rate of 3 weeks for each percentage point of impairment; or

b. The death of the employee.

4. After the employee has been certified by a doctor as having reached maximum medical improvement or 6 weeks before the expiration of temporary benefits, whichever occurs earlier, the certifying doctor shall evaluate the condition of the employee and assign an impairment rating, using the impairment schedule referred to in subparagraph 2. Compensation is not payable for the mental, psychological, or emotional injury arising out of depression from being out of work. If the certification and evaluation are performed by a doctor other than the employee's treating doctor, the certification and evaluation must be submitted to the treating doctor, and the treating doctor must indicate agreement or disagreement with the certification and evaluation. The certifying doctor shall issue a written report to the *department* ~~division~~, the employee, and the carrier certifying that maximum medical improvement has been reached, stating the impairment rating, and providing any other information required by the *department by rule* ~~division~~. If the employee has not been certified as having reached maximum medical improvement before the expiration of 102 weeks after the date temporary total disability benefits begin to accrue, the carrier shall notify the treating doctor of the requirements of this section.

5. The carrier shall pay the employee impairment income benefits for a period based on the impairment rating.

6. The *department* ~~division~~ may by rule specify forms and procedures governing the method of payment of wage loss and impairment benefits for dates of accidents before January 1, 1994, and for dates of accidents on or after January 1, 1994.

(b) Supplemental benefits.—

1. All supplemental benefits must be paid in accordance with this subsection. An employee is entitled to supplemental benefits as provided in this paragraph as of the expiration of the impairment period, if:

a. The employee has an impairment rating from the compensable injury of 20 percent or more as determined pursuant to this chapter;

b. The employee has not returned to work or has returned to work earning less than 80 percent of the employee's average weekly wage as a direct result of the employee's impairment; and

c. The employee has in good faith attempted to obtain employment commensurate with the employee's ability to work.

2. If an employee is not entitled to supplemental benefits at the time of payment of the final weekly impairment income benefit because the employee is earning at least 80 percent of the employee's average weekly wage, the employee may become entitled to supplemental benefits at any time within 1 year after the impairment income benefit period ends if:

a. The employee earns wages that are less than 80 percent of the employee's average weekly wage for a period of at least 90 days;

b. The employee meets the other requirements of subparagraph 1.; and

c. The employee's decrease in earnings is a direct result of the employee's impairment from the compensable injury.

3. If an employee earns wages that are at least 80 percent of the employee's average weekly wage for a period of at least 90 days during which the employee is receiving supplemental benefits, the employee ceases to be entitled to supplemental benefits for the filing period. Supplemental benefits that have been terminated shall be reinstated when the employee satisfies the conditions enumerated in subparagraph 2. and files the statement required under subparagraph 5. Notwithstanding any other provision, if an employee is not entitled to supplemental benefits for 12 consecutive months, the employee ceases to be entitled to any additional income benefits for the compensable injury. If the employee is discharged within 12 months after losing entitlement under this subsection, benefits may be reinstated if the employee was discharged at that time with the intent to deprive the employee of supplemental benefits.

~~4. During the period that impairment income benefits or supplemental income benefits are being paid, the carrier has the affirmative duty to determine at least annually whether any extended unemployment or underemployment is a direct result of the employee's impairment. To accomplish this purpose, the division may require periodic reports from the employee and the carrier, and it may, at the~~

~~carrier's expense, require any physical or other examinations, vocational assessments, or other tests or diagnoses necessary to verify that the carrier is performing its duty. Not more than once in each 12 calendar months, the employee and the carrier may each request that the division review the status of the employee and determine whether the carrier has performed its duty with respect to whether the employee's unemployment or underemployment is a direct result of impairment from the compensable injury.~~

4.~~5.~~ After the initial determination of supplemental benefits, the employee must file a statement with the carrier stating that the employee has earned less than 80 percent of the employee's average weekly wage as a direct result of the employee's impairment, stating the amount of wages the employee earned in the filing period, and stating that the employee has in good faith sought employment commensurate with the employee's ability to work. The statement must be filed quarterly on a form and in the manner prescribed by the *department* ~~division~~. The *department* ~~division~~ may modify the filing period as appropriate to an individual case. Failure to file a statement relieves the carrier of liability for supplemental benefits for the period during which a statement is not filed.

5.~~6.~~ The carrier shall begin payment of supplemental benefits not later than the seventh day after the expiration date of the impairment income benefit period and shall continue to timely pay those benefits. The carrier may request a mediation conference for the purpose of contesting the employee's entitlement to or the amount of supplemental income benefits.

6.~~7.~~ Supplemental benefits are calculated quarterly and paid monthly. For purposes of calculating supplemental benefits, 80 percent of the employee's average weekly wage and the average wages the employee has earned per week are compared quarterly. For purposes of this paragraph, if the employee is offered a bona fide position of employment that the employee is capable of performing, given the physical condition of the employee and the geographic accessibility of the position, the employee's weekly wages are considered equivalent to the weekly wages for the position offered to the employee.

7.~~8.~~ Supplemental benefits are payable at the rate of 80 percent of the difference between 80 percent of the employee's average weekly wage determined pursuant to s. 440.14 and the weekly wages the employee has earned during the reporting period, not to exceed the maximum weekly income benefit under s. 440.12.

8.~~9.~~ The *department* ~~division~~ may by rule define terms that are necessary for the administration of this section and forms and procedures governing the method of payment of supplemental benefits for dates of accidents before January 1, 1994, and for dates of accidents on or after January 1, 1994.

(c) Duration of temporary impairment and supplemental income benefits.—The employee's eligibility for temporary benefits, impairment income benefits, and supplemental benefits terminates on the expiration of 401 weeks after the date of injury.

(4) TEMPORARY PARTIAL DISABILITY.—

(a) In case of temporary partial disability, compensation shall be equal to 80 percent of the difference between 80 percent of the employee's average weekly wage and the salary, wages, and other remuneration the employee is able to earn, as compared weekly; however, the weekly benefits may not exceed an amount equal to 66⅔ percent of the employee's average weekly wage at the time of injury. In order to simplify the comparison of the preinjury average weekly wage with the salary, wages, and other remuneration the employee is able to earn, the *department* ~~division~~ may by rule provide for the modification of the weekly comparison so as to coincide as closely as possible with the injured worker's pay periods. The amount determined to be the salary, wages, and other remuneration the employee is able to earn shall in no case be less than the sum actually being earned by the employee, including earnings from sheltered employment.

(b) Such benefits shall be paid during the continuance of such disability, not to exceed a period of 104 weeks, as provided by this subsection and subsection (2). Once the injured employee reaches the maximum number of weeks, temporary disability benefits cease and the injured worker's permanent impairment must be determined. The *department* ~~division~~ may by rule specify forms and procedures governing the method of payment of temporary disability benefits for dates of accidents before January 1, 1994, and for dates of accidents on or after January 1, 1994.

(6) OBLIGATION TO REHIRE.—If the employer has not in good faith made available to the employee, within a 100-mile radius of the employee's residence, work appropriate to the employee's physical limitations within 30 days after the carrier notifies the employer of maximum medical improvement and the employee's physical limitations, the employer shall pay to the *department* ~~division~~ for deposit into the Workers' Compensation Administration Trust Fund a fine of $250 for every $5,000 of the employer's workers' compensation premium or payroll, not to exceed $2,000 per violation, as the *department* ~~division~~ requires by rule. The employer is not subject to this subsection if the employee is receiving permanent total disability benefits or if the employer has 50 or fewer employees.

(10) EMPLOYEE ELIGIBLE FOR BENEFITS UNDER THIS CHAPTER AND FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE ACT.—

(b) If the provisions of 42 U.S.C. s. 424(a) are amended to provide for a reduction or increase of the percentage of average current earnings that the sum of compensation benefits payable under this chapter and the benefits payable under 42 U.S.C. ss. 402 and 423 can equal, the amount of the reduction of benefits provided in this subsection shall be reduced or increased accordingly. The *department* ~~division~~ may by rule specify forms and procedures governing the method for calculating and administering the offset of benefits payable under this chapter and benefits payable under 42 U.S.C. ss. 402 and 423. The *department* ~~division~~ shall have first priority in taking any available social security offsets on dates of accidents occurring before July 1, 1984.

(c) No disability compensation benefits payable for any week, including those benefits provided by paragraph (1)(f), shall be reduced pursuant to this subsection until the Social Security Administration determines the amount otherwise payable to the employee under 42 U.S.C. ss. 402 and 423 and the employee has begun receiving such social security benefit payments. The employee shall, upon demand by the *department* ~~division~~, the employer, or the carrier, authorize the Social Security Administration to release disability information relating to her or him and authorize the Division of Unemployment Compensation to release unemployment compensation information relating to her or him, in accordance with rules to be *adopted* ~~promulgated~~ by the *department* ~~division~~ prescribing the procedure and manner for requesting the authorization and for compliance by the employee. Neither the *department* ~~division~~ nor the employer or carrier shall make any payment of benefits for total disability or those additional benefits provided by paragraph (1)(f) for any period during which the employee willfully fails or refuses to authorize the release of information in the manner and within the time prescribed by such rules. The authority for release of disability information granted by an employee under this paragraph shall be effective for a period not to exceed 12 months, such authority to be renewable as the *department* ~~division~~ may prescribe by rule.

Section 29. Subsections (2), (3), (4), (5), (7), and (10) of section 440.185, Florida Statutes, are amended to read:

440.185 Notice of injury or death; reports; penalties for violations.—

(2) Within 7 days after actual knowledge of injury or death, the employer shall report such injury or death to its carrier, in a format prescribed by the *department* ~~division~~, and shall provide a copy of such report to the employee or the employee's estate. The report of injury shall contain the following information:

(a) The name, address, and business of the employer;

(b) The name, social security number, street, mailing address, telephone number, and occupation of the employee;

(c) The cause and nature of the injury or death;

(d) The year, month, day, and hour when, and the particular locality where, the injury or death occurred; and

(e) Such other information as the *department* ~~division~~ may require.

The carrier shall, within 14 days after the employer's receipt of the form reporting the injury, file the information required by this subsection with the *department* ~~division in Tallahassee~~. However, the *department* ~~division~~ may by rule provide for a different reporting system for those types of injuries which it determines should be reported in a different manner and for those cases which involve minor injuries requiring professional medical attention in which the employee does not lose more than 7 days of work as a result of the injury and is able to return to the job immediately after treatment and resume regular work.

(3) In addition to the requirements of subsection (2), the employer shall notify the *department* ~~division~~ within 24 hours by telephone or telegraph of any injury resulting in death. However, this special notice shall not be required when death results subsequent to the submission to the *department* ~~division~~ of a previous report of the injury pursuant to subsection (2).

(4) Within 3 days after the employer or the employee informs the carrier of an injury the carrier shall mail to the injured worker an informational brochure approved by the *department* ~~division~~ which sets forth in clear and understandable language an explanation of the rights, benefits, procedures for obtaining benefits and assistance, criminal penalties, and obligations of injured workers and their employers under the Florida Workers' Compensation Law. Annually, the carrier or its third-party administrator shall mail to the employer an informational brochure approved by the *department* ~~division~~ which sets forth in clear and understandable language an explanation of the rights, benefits, procedures for obtaining benefits and assistance, criminal penalties, and obligations of injured workers and their employers under the Florida Workers' Compensation Law. All such informational brochures shall contain a notice that clearly states in substance the following: "Any person who, knowingly and with intent to injure, defraud, or deceive any employer or employee, insurance company, or self-insured program, files a statement of claim containing any false or misleading information commits a felony of the third degree."

(5) Additional reports with respect to such injury and of the condition of such employee, including copies of medical reports, funeral expenses, and wage statements, shall be filed by the employer or carrier to the *department* ~~division~~ at such times and in such manner as the *department* ~~division~~ may prescribe by rule. In carrying out its responsibilities under this chapter, the *department or agency* ~~division~~ may by rule provide for the obtaining of any medical records relating to medical treatment provided pursuant to this chapter, notwithstanding the provisions of ss. 90.503 and 395.3025(4).

(7) Every carrier shall file with the *department* ~~division~~ within 21 days after the issuance of a policy or contract of insurance such policy information as the *department* ~~division~~ requires, including notice of whether the policy is a minimum premium policy. Notice of cancellation or expiration of a policy as set out in s. 440.42(3) shall be mailed to the *department* ~~division~~ in accordance with rules adopted by the *department* ~~division~~ under chapter 120. The *department* ~~division~~ may contract with a private entity for the collection of policy information required to be filed by carriers under this subsection and the receipt of notices of cancellation or expiration of a policy required to be filed by carriers under s. 440.42(3). The submission of policy information or notices of cancellation or expiration to the contracted private entity satisfies the filing requirements of this subsection and s. 440.42(3).

(10) The *department* ~~division~~ may by rule prescribe forms and procedures governing the submission of the change in claims administration report and the risk class code and standard industry code report for all lost time and denied lost-time cases. The *department* ~~division~~ may by rule define terms that are necessary for the effective administration of this section.

Section 30. Subsection (1) and paragraph (d) of subsection (2) of section 440.191, Florida Statutes, are amended to read:

440.191 Employee Assistance and Ombudsman Office.—

(1)(a) In order to effect the self-executing features of the Workers' Compensation Law, this chapter shall be construed to permit injured employees and employers or the employer's carrier to resolve disagreements without undue expense, costly litigation, or delay in the provisions of benefits. It is the duty of all who participate in the workers' compensation system, including, but not limited to, carriers, service providers, health care providers, attorneys, employers, and employees, to attempt to resolve disagreements in good faith and to cooperate with the *department's* ~~division's~~ efforts to resolve disagreements between the parties. The *department* ~~division~~ may by rule prescribe definitions that are necessary for the effective administration of this section.

(b) An Employee Assistance and Ombudsman Office is created within the *department* ~~Division of Workers' Compensation~~ to inform and assist injured workers, employers, carriers, and health care providers in fulfilling their responsibilities under this chapter. The *department* ~~division~~ may by rule specify forms and procedures for administering requests for assistance provided by this section.

(c) The Employee Assistance and Ombudsman Office~~, Division of Workers' Compensation,~~ shall be a resource available to all employees who participate in the workers' compensation system and shall take all steps necessary to educate and disseminate information to employees and employers.

(2)

(d) The Employee Assistance and Ombudsman Office may assign an ombudsman to assist the employee in resolving the dispute. If the dispute is not resolved within 30 days after the employee contacts the office, the ombudsman shall, at the employee's request, assist the employee in drafting a petition for benefits and explain the procedures for filing petitions. The *department* ~~division~~ may by rule determine the method used to calculate the 30-day period. The Employee Assistance and Ombudsman Office may not represent employees before the judges of compensation claims. An employer or carrier may not pay any attorneys' fees on behalf of the employee for services rendered or costs incurred in connection with this section, unless expressly authorized elsewhere in this chapter.

Section 31. Subsection (1) of section 440.192, Florida Statutes, is amended to read:

440.192 Procedure for resolving benefit disputes.—

(1) Subject to s. 440.191, any employee who has not received a benefit to which the employee believes she or he is entitled under this chapter shall file by certified mail, or by electronic means approved by the Deputy Chief Judge, with the Office of the Judges of Compensation Claims a petition for benefits which meets the requirements of this section. The *department* ~~division~~ shall inform employees of the location of the Office of the Judges of Compensation Claims for purposes of filing a petition for benefits. The employee shall also serve copies of the petition for benefits by certified mail, or by electronic means approved by the Deputy Chief Judge, upon the employer and the employer's carrier. The Deputy Chief Judge shall refer the petitions to the judges of compensation claims.

Section 32. Subsections (1), (3), and (4) of section 440.1925, Florida Statutes, are amended to read:

440.1925 Procedure for resolving maximum medical improvement or permanent impairment disputes.—

(1) Notwithstanding the limitations on carrier independent medical examinations in s. 440.13, an employee or carrier who wishes to obtain an opinion other than the opinion of the treating physician or *an agency* ~~a division~~ advisor on the issue of permanent impairment may obtain one independent medical examination, except that the employee or carrier who selects the treating physician is not entitled to obtain an alternate opinion on the issue of permanent impairment, unless the parties

otherwise agree. This section and s. 440.13(2) do not permit an employee or a carrier to obtain an additional medical opinion on the issue of permanent impairment by requesting an alternate treating physician pursuant to s. 440.13.

(3) Disputes shall be resolved under this section when:

(a) A carrier that is entitled to obtain a determination of an employee's date of maximum medical improvement or permanent impairment has done so;

(b) The independent medical examiner's opinion on the date of the employee's maximum medical improvement and degree or permanent impairment differs from the opinion of the employee's treating physician on either of those issues, or from the opinion of the expert medical advisor appointed by the *agency* ~~division~~ on the degree of permanent impairment; or

(c) The carrier denies any portion of an employee's claim petition for benefits due to disputed maximum medical improvement or permanent impairment issues.

(4) Only opinions of the employee's treating physician, *an agency* ~~a~~ ~~division~~ medical advisor, or an independent medical examiner are admissible in proceedings before a judge of compensation claims to resolve maximum medical improvement or impairment disputes.

Section 33. Subsections (3), (6), (8), (9), (10), (11), (12), (15), (16), and (17) of section 440.20, Florida Statutes, are amended to read:

440.20 Time for payment of compensation; penalties for late payment.—

(3) Upon making payment, or upon suspension or cessation of payment for any reason, the carrier shall immediately notify the *department* ~~division~~ that it has commenced, suspended, or ceased payment of compensation. The *department* ~~division~~ may require such notification in any format *and manner* it deems necessary to obtain accurate and timely reporting.

(6) If any installment of compensation for death or dependency benefits, disability, permanent impairment, or wage loss payable without an award is not paid within 7 days after it becomes due, as provided in subsection (2), subsection (3), or subsection (4), there shall be added to such unpaid installment a punitive penalty of an amount equal to 20 percent of the unpaid installment or $5, which shall be paid at the same time as, but in addition to, such installment of compensation, unless notice is filed under subsection (4) or unless such nonpayment results from conditions over which the employer or carrier had no control. When any installment of compensation payable without an award has not been paid within 7 days after it became due and the claimant concludes the prosecution of the claim before a judge of compensation claims without having specifically claimed additional compensation in the nature of a penalty under this section, the claimant will be deemed to have acknowledged that, owing to conditions over which the employer or carrier had no control, such installment could not be paid within the period prescribed for payment and to have waived the right to claim such penalty. However, during the course of a hearing, the judge of compensation claims shall on her or his own motion raise the question of whether such penalty should be awarded or excused. The *department* ~~division~~ may assess without a hearing the punitive penalty against either the employer or the insurance carrier, depending upon who was at fault in causing the delay. The insurance policy cannot provide that this sum will be paid by the carrier if the *department* ~~division~~ or the judge of compensation claims determines that the punitive penalty should be made by the employer rather than the carrier. Any additional installment of compensation paid by the carrier pursuant to this section shall be paid directly to the employee.

(8) In addition to any other penalties provided by this chapter for late payment, if any installment of compensation is not paid when it becomes due, the employer, carrier, or servicing agent shall pay interest thereon at the rate of 12 percent per year from the date the installment becomes due until it is paid, whether such installment is payable without an order or under the terms of an order. The interest payment shall be the greater of the amount of interest due or $5.

(a) Within 30 days after final payment of compensation has been made, the employer, carrier, or servicing agent shall send to the *department* ~~division~~ a notice, in accordance with a *format and manner* ~~form~~ prescribed by the *department* ~~division~~, stating that such final payment has been made and stating the total amount of compensation paid, the name of the employee and of any other person to whom compensation has been paid, the date of the injury or death, and the date to which compensation has been paid.

(b) If the employer, carrier, or servicing agent fails to so notify the *department* ~~division~~ within such time, the *department* ~~division~~ shall assess against such employer, carrier, or servicing agent a civil penalty in an amount not over $100.

(c) In order to ensure carrier compliance under this chapter *and provisions of the Florida Insurance Code*, the *department* ~~division~~ shall monitor the performance of carriers *by conducting market conduct examinations, as provided in s. 624.3161, and conducting investigations, as provided in s. 624.317*. The *department* ~~division~~ shall establish by rule minimum performance standards for carriers to ensure that a minimum of 90 percent of all compensation benefits are timely paid. The *department* ~~division~~ shall fine a carrier as provided in s. 440.13(11)(b) up to *$250* ~~$50~~ for each late payment of compensation*. If the department finds patterns or practices of untimely payment, the department shall impose penalties as provided pursuant to s. 624.4211* ~~that is below the minimum 90 percent performance standard~~. This paragraph does not affect the imposition of any penalties or interest due to the claimant. If a carrier contracts with a servicing agent to fulfill its administrative responsibilities under this chapter, the payment practices of the servicing agent are deemed the payment practices of the carrier for the purpose of assessing penalties against the carrier.

(9) The *department* ~~division~~ may upon its own initiative at any time in a case in which payments are being made without an award investigate same and shall, in any case in which the right to compensation is controverted, or in which payments of compensation have been stopped or suspended, upon receipt of notice from any person entitled to compensation or from the employer that the right to compensation is controverted or that payments of compensation have been stopped or suspended, make such investigations, cause such medical examination to be made, or hold such hearings, and take such further action as it considers will properly protect the rights of all parties.

(10) Whenever the *department* ~~division~~ deems it advisable, it may require any employer to make a deposit with the Treasurer to secure the prompt and convenient payments of such compensation; and payments therefrom upon any awards shall be made upon order of the *department* ~~division~~ or judge of compensation claims.

(11)(a) When a claimant is not represented by counsel, upon joint petition of all interested parties, a lump-sum payment in exchange for the employer's or carrier's release from liability for future medical expenses, as well as future payments of compensation expenses and any other benefits provided under this chapter, shall be allowed at any time in any case in which the employer or carrier has filed a written notice of denial within 120 days after the employer receives notice of the injury, and the judge of compensation claims at a hearing to consider the settlement proposal finds a justiciable controversy as to legal or medical compensability of the claimed injury or the alleged accident. The employer or carrier may not pay any attorney's fees on behalf of the claimant for any settlement under this section unless expressly authorized elsewhere in this chapter. Upon the joint petition of all interested parties and after giving due consideration to the interests of all interested parties, the judge of compensation claims may enter a compensation order approving and authorizing the discharge of the liability of the employer for compensation and remedial treatment, care, and attendance, as well as rehabilitation expenses, by the payment of a lump sum. Such a compensation order so entered upon joint petition of all interested parties is not subject to modification or review under s. 440.28. If the settlement proposal together with supporting evidence is not approved by the judge of compensation claims, it shall be considered void. Upon approval of a lump-sum settlement under this subsection,

the judge of compensation claims shall send a report to the Chief Judge of the amount of the settlement and a statement of the nature of the controversy. The Chief Judge shall keep a record of all such reports filed by each judge of compensation claims and shall submit to the Legislature a summary of all such reports filed under this subsection annually by September 15.

(b) When a claimant is not represented by counsel, upon joint petition of all interested parties, a lump-sum payment in exchange for the employer's or carrier's release from liability for future medical expenses, as well as future payments of compensation and rehabilitation expenses, and any other benefits provided under this chapter, may be allowed at any time in any case after the injured employee has attained maximum medical improvement. An employer or carrier may not pay any attorney's fees on behalf of the claimant for any settlement, unless expressly authorized elsewhere in this chapter. A compensation order so entered upon joint petition of all interested parties shall not be subject to modification or review under s. 440.28. However, a judge of compensation claims is not required to approve any award for lump-sum payment when it is determined by the judge of compensation claims that the payment being made is in excess of the value of benefits the claimant would be entitled to under this chapter. The judge of compensation claims shall make or cause to be made such investigations as she or he considers necessary, in each case in which the parties have stipulated that a proposed final settlement of liability of the employer for compensation shall not be subject to modification or review under s. 440.28, to determine whether such final disposition will definitely aid the rehabilitation of the injured worker or otherwise is clearly for the best interests of the person entitled to compensation and, in her or his discretion, may have an investigation made ~~by the Rehabilitation Section of the Division of Workers' Compensation~~. The joint petition and the report of any investigation so made will be deemed a part of the proceeding. An employer shall have the right to appear at any hearing pursuant to this subsection which relates to the discharge of such employer's liability and to present testimony at such hearing. The carrier shall provide reasonable notice to the employer of the time and date of any such hearing and inform the employer of her or his rights to appear and testify. The probability of the death of the injured employee or other person entitled to compensation before the expiration of the period during which such person is entitled to compensation shall, in the absence of special circumstances making such course improper, be determined in accordance with the most recent United States Life Tables published by the National Office of Vital Statistics of the United States Department of Health and Human Services. The probability of the happening of any other contingency affecting the amount or duration of the compensation, except the possibility of the remarriage of a surviving spouse, shall be disregarded. As a condition of approving a lump-sum payment to a surviving spouse, the judge of compensation claims, in the judge of compensation claims' discretion, may require security which will ensure that, in the event of the remarriage of such surviving spouse, any unaccrued future payments so paid may be recovered or recouped by the employer or carrier. Such applications shall be considered and determined in accordance with s. 440.25.

(c) Notwithstanding s. 440.21(2), when a claimant is represented by counsel, the claimant may waive all rights to any and all benefits under this chapter by entering into a settlement agreement releasing the employer and the carrier from liability for workers' compensation benefits in exchange for a lump-sum payment to the claimant. The settlement agreement requires approval by the judge of compensation claims only as to the attorney's fees paid to the claimant's attorney by the claimant. The parties need not submit any information or documentation in support of the settlement, except as needed to justify the amount of the attorney's fees. Neither the employer nor the carrier is responsible for any attorney's fees relating to the settlement and release of claims under this section. Payment of the lump-sum settlement amount must be made within 14 days after the date the judge of compensation claims mails the order approving the attorney's fees. Any order entered by a judge of compensation claims approving the attorney's fees as set out in the settlement under this subsection is not considered to be an award and is not subject to modification or review. The judge of compensation claims shall report these settlements to the Deputy Chief Judge in accordance with the requirements set forth in paragraphs (a) and (b). Settlements entered into under this subsection are valid and apply to all dates of accident.

(d)1. With respect to any lump-sum settlement under this subsection, a judge of compensation claims must consider at the time of the settlement, whether the settlement allocation provides for the appropriate recovery of child support arrearages.

2. When reviewing any settlement of lump-sum payment pursuant to this subsection, judges of compensation claims shall consider the interests of the worker and the worker's family when approving the settlement, which must consider and provide for appropriate recovery of past due support.

(e) This section applies to all claims that the parties have not previously settled, regardless of the date of accident.

(12)(a) Liability of an employer for future payments of compensation may not be discharged by advance payment unless prior approval of a judge of compensation claims or the *department* ~~division~~ has been obtained as hereinafter provided. The approval shall not constitute an adjudication of the claimant's percentage of disability.

(b) When the claimant has reached maximum recovery and returned to her or his former or equivalent employment with no substantial reduction in wages, such approval of a reasonable advance payment of a part of the compensation payable to the claimant may be given informally by letter by a judge of compensation claims *or*~~,~~ by the *department* ~~division director, or by the administrator of claims of the division~~.

(c) In the event the claimant has not returned to the same or equivalent employment with no substantial reduction in wages or has suffered a substantial loss of earning capacity or a physical impairment, actual or apparent:

1. An advance payment of compensation not in excess of $2,000 may be approved informally by letter, without hearing, by any judge of compensation claims or the Chief Judge.

2. An advance payment of compensation not in excess of $2,000 may be ordered by any judge of compensation claims after giving the interested parties an opportunity for a hearing thereon pursuant to not less than 10 days' notice by mail, unless such notice is waived, and after giving due consideration to the interests of the person entitled thereto. When the parties have stipulated to an advance payment of compensation not in excess of $2,000, such advance may be approved by an order of a judge of compensation claims, with or without hearing, or informally by letter by any such judge of compensation claims, or by the *department* ~~division director~~, if such advance is found to be for the best interests of the person entitled thereto.

3. When the parties have stipulated to an advance payment in excess of $2,000, subject to the approval of the *department* ~~division~~, such payment may be approved by a judge of compensation claims by order if the judge finds that such advance payment is for the best interests of the person entitled thereto and is reasonable under the circumstances of the particular case. The judge of compensation claims shall make or cause to be made such investigations as she or he considers necessary concerning the stipulation and, in her or his discretion, may have an investigation of the matter made ~~by the Rehabilitation Section of the division~~. The stipulation and the report of any investigation shall be deemed a part of the record of the proceedings.

(d) When an application for an advance payment in excess of $2,000 is opposed by the employer or carrier, it shall be heard by a judge of compensation claims after giving the interested parties not less than 10 days' notice of such hearing by mail, unless such notice is waived. In her or his discretion, the judge of compensation claims may have an investigation of the matter made ~~by the Rehabilitation Section of the division~~, in which event the report and recommendation ~~of that section~~ will be deemed a part of the record of the proceedings. If the judge of compensation claims finds that such advance payment is for the best interests of the person entitled to compensation, will not materially

prejudice the rights of the employer and carrier, and is reasonable under the circumstances of the case, she or he may order the same paid. However, in no event may any such advance payment under this paragraph be granted in excess of $7,500 or 26 weeks of benefits in any 48-month period, whichever is greater, from the date of the last advance payment.

(15)(a) The *department* ~~division~~ shall examine on an ongoing basis claims files *in accordance with s. 624.3161 and may impose fines pursuant to s. 624.310(5) and this chapter* in order to identify questionable claims-handling techniques, questionable patterns or practices of claims, or a pattern of repeated unreasonably controverted claims by ~~employers,~~ carriers*, as defined in s. 440.02*, ~~self-insurers, health care providers, health care facilities, training and education providers, or any others~~ providing services to employees pursuant to this chapter ~~and may certify its findings to the Department of Insurance~~. *If the department finds* such questionable techniques, patterns, or repeated unreasonably controverted claims as constitute a general business practice of a carrier*, as defined in s. 440.02* ~~in the judgment of the division shall be certified in its findings by the division to the Department of Insurance or such other appropriate licensing agency. Such certification by the division is exempt from the provisions of chapter 120. Upon receipt of any such certification~~, the department ~~of Insurance~~ shall take appropriate action so as to bring such general business practices to a halt pursuant to s. 440.38(3)~~(a)~~ *or may impose penalties pursuant to s. 624.4211*. The *department* ~~division~~ may initiate investigations of questionable techniques, patterns, practices, or repeated unreasonably controverted claims. The *department* ~~division~~ may by rule establish forms and procedures for corrective action plans and for auditing carriers.

(b) As to any examination, investigation, or hearing being conducted under this chapter, the *Insurance Commissioner or his or her* ~~Secretary of Labor and Employment Security or the secretary's~~ designee:

1. May administer oaths, examine and cross-examine witnesses, receive oral and documentary evidence; and

2. Shall have the power to subpoena witnesses, compel their attendance and testimony, and require by subpoena the production of books, papers, records, files, correspondence, documents, or other evidence which is relevant to the inquiry.

(c) If any person refuses to comply with any such subpoena or to testify as to any matter concerning which she or he may be lawfully interrogated, the Circuit Court of Leon County or of the county wherein such examination, investigation, or hearing is being conducted, or of the county wherein such person resides, may, on the application of the department, issue an order requiring such person to comply with the subpoena and to testify.

(d) Subpoenas shall be served, and proof of such service made, in the same manner as if issued by a circuit court. Witness fees, costs, and reasonable travel expenses, if claimed, shall be allowed the same as for testimony in a circuit court.

(e) The *department* ~~division~~ shall publish annually a report which indicates the promptness of first payment of compensation records of each carrier or self-insurer so as to focus attention on those carriers or self-insurers with poor payment records for the preceding year. ~~A copy of such report shall be certified to~~ The department ~~of Insurance which~~ shall take appropriate steps so as to cause such poor carrier payment practices to halt pursuant to s. 440.38(3)~~(a)~~. In addition, the *department* ~~division~~ shall take appropriate action so as to halt such poor payment practices of self-insurers. "Poor payment practice" means a practice of late payment sufficient to constitute a general business practice.

(f) The *department* ~~division~~ shall promulgate rules providing guidelines to carriers*, as defined in s. 440.02*, self-insurers, and employers to indicate behavior that may be construed as questionable claims-handling techniques, questionable patterns of claims, repeated unreasonably controverted claims, or poor payment practices.

(16) No penalty assessed under this section may be recouped by any carrier or self-insurer in the rate base, the premium, or any rate filing. ~~In the case of carriers,~~ The Department of Insurance shall enforce this subsection~~; and in the case of self-insurers, the division shall enforce this subsection~~.

(17) The *department* ~~division~~ may by rule establish audit procedures and set standards for the Automated Carrier Performance System.

Section 34. Subsections (1) and (2) of section 440.207, Florida Statutes, are amended to read:

440.207 Workers' compensation system guide.—

(1) The *department* ~~Division of Workers' Compensation of the Department of Labor and Employment Security~~ shall educate all persons providing or receiving benefits pursuant to this chapter as to their rights and responsibilities under this chapter.

(2) The *department* ~~division~~ shall publish an understandable guide to the workers' compensation system which shall contain an explanation of benefits provided; services provided by the Employee Assistance and Ombudsman Office; procedures regarding mediation, the hearing process, and civil and criminal penalties; relevant rules of the *department* ~~division~~; and such other information as the *department* ~~division~~ believes will inform employees, employers, carriers, and those providing services pursuant to this chapter of their rights and responsibilities under this chapter and the rules of the *department* ~~division~~. For the purposes of this subsection, a guide is understandable if the text of the guide is written at a level of readability not exceeding the eighth grade level, as determined by a recognized readability test.

Section 35. Subsection (1) of section 440.211, Florida Statutes, is amended to read:

440.211 Authorization of collective bargaining agreement.—

(1) Subject to the limitation stated in subsection (2), a provision that is mutually agreed upon in any collective bargaining agreement filed with the *department* ~~division~~ between an individually self-insured employer or other employer upon consent of the employer's carrier and a recognized or certified exclusive bargaining representative establishing any of the following shall be valid and binding:

(a) An alternative dispute resolution system to supplement, modify, or replace the provisions of this chapter which may include, but is not limited to, conciliation, mediation, and arbitration. Arbitration held pursuant to this section shall be binding on the parties.

(b) The use of an agreed-upon list of certified health care providers of medical treatment which may be the exclusive source of all medical treatment under this chapter.

(c) The use of a limited list of physicians to conduct independent medical examinations which the parties may agree shall be the exclusive source of independent medical examiners pursuant to this chapter.

(d) A light-duty, modified-job, or return-to-work program.

(e) A vocational rehabilitation or retraining program.

Section 36. Subsections (1) and (2) of section 440.24, Florida Statutes, are amended to read:

440.24 Enforcement of compensation orders; penalties.—

(1) In case of default by the employer or carrier in the payment of compensation due under any compensation order of a judge of compensation claims or other failure by the employer or carrier to comply with such order within 10 days after the order becomes final, any circuit court of this state within the jurisdiction of which the employer or carrier resides or transacts business shall, upon application by the *department* ~~division~~ or any beneficiary under such order, have jurisdiction to issue a rule nisi directing such employer or carrier to show cause why a writ of execution, or such other process as may be necessary to enforce the terms of such order, shall not be issued, and, unless such cause is shown, the court shall have jurisdiction to issue a writ of execution or such other process or final order as may be necessary to enforce the terms of such order of the judge of compensation claims.

(2) In any case where the employer is insured and the carrier fails to comply with any compensation order of a judge of compensation claims or court within 10 days after such order becomes final, ~~the division shall notify~~ the department ~~of Insurance of such failure, and the Department of Insurance~~ shall thereupon suspend the license of such carrier to do an insurance business in this state, until such carrier has complied with such order.

Section 37. Subsections (5) and (7) of section 440.25, Florida Statutes, are amended to read:

440.25 Procedures for mediation and hearings.—

(5)(a) Procedures with respect to appeals from orders of judges of compensation claims shall be governed by rules adopted by the Supreme Court. Such an order shall become final 30 days after mailing of copies of such order to the parties, unless appealed pursuant to such rules.

(b) An appellant may be relieved of any necessary filing fee by filing a verified petition of indigency for approval as provided in s. 57.081(1) and may be relieved in whole or in part from the costs for preparation of the record on appeal if, within 15 days after the date notice of the estimated costs for the preparation is served, the appellant files with the judge of compensation claims a copy of the designation of the record on appeal, and a verified petition to be relieved of costs. A verified petition filed prior to the date of service of the notice of the estimated costs shall be deemed not timely filed. The verified petition relating to record costs shall contain a sworn statement that the appellant is insolvent and a complete, detailed, and sworn financial affidavit showing all the appellant's assets, liabilities, and income. Failure to state in the affidavit all assets and income, including marital assets and income, shall be grounds for denying the petition with prejudice. The Office of the Judges of Compensation Claims shall adopt rules as may be required pursuant to this subsection, including forms for use in all petitions brought under this subsection. The appellant's attorney, or the appellant if she or he is not represented by an attorney, shall include as a part of the verified petition relating to record costs an affidavit or affirmation that, in her or his opinion, the notice of appeal was filed in good faith and that there is a probable basis for the District Court of Appeal, First District, to find reversible error, and shall state with particularity the specific legal and factual grounds for the opinion. Failure to so affirm shall be grounds for denying the petition. A copy of the verified petition relating to record costs shall be served upon all interested parties. The judge of compensation claims shall promptly conduct a hearing on the verified petition relating to record costs, giving at least 15 days' notice to the appellant, the *department* ~~division~~, and all other interested parties, all of whom shall be parties to the proceedings. The judge of compensation claims may enter an order without such hearing if no objection is filed by an interested party within 20 days from the service date of the verified petition relating to record costs. Such proceedings shall be conducted in accordance with the provisions of this section and with the workers' compensation rules of procedure, to the extent applicable. In the event an insolvency petition is granted, the judge of compensation claims shall direct the *department* ~~division~~ to pay record costs and filing fees from the Workers' Compensation *Administration* Trust Fund pending final disposition of the costs of appeal. The *department* ~~division~~ may transcribe or arrange for the transcription of the record in any proceeding for which it is ordered to pay the cost of the record.

(c) As a condition of filing a notice of appeal to the District Court of Appeal, First District, an employer who has not secured the payment of compensation under this chapter in compliance with s. 440.38 shall file with the notice of appeal a good and sufficient bond, as provided in s. 59.13, conditioned to pay the amount of the demand and any interest and costs payable under the terms of the order if the appeal is dismissed, or if the District Court of Appeal, First District, affirms the award in any amount. Upon the failure of such employer to file such bond with the judge of compensation claims or the District Court of Appeal, First District, along with the notice of appeal, the District Court of Appeal, First District, shall dismiss the notice of appeal.

(7) An injured employee claiming or entitled to compensation shall submit to such physical examination by a certified expert medical advisor approved by the *agency* ~~division~~ or the judge of compensation claims as the *agency* ~~division~~ or the judge of compensation claims may require. The place or places shall be reasonably convenient for the employee. Such physician or physicians as the employee, employer, or carrier may select and pay for may participate in an examination if the employee, employer, or carrier so requests. Proceedings shall be suspended and no compensation shall be payable for any period during which the employee may refuse to submit to examination. Any interested party shall have the right in any case of death to require an autopsy, the cost thereof to be borne by the party requesting it; and the judge of compensation claims shall have authority to order and require an autopsy and may, in her or his discretion, withhold her or his findings and award until an autopsy is held.

Section 38. Section 440.271, Florida Statutes, is amended to read:

440.271 Appeal of order of judge of compensation claims.—Review of any order of a judge of compensation claims entered pursuant to this chapter shall be by appeal to the District Court of Appeal, First District. Appeals shall be filed in accordance with rules of procedure prescribed by the Supreme Court for review of such orders. The *department* ~~division~~ shall be given notice of any proceedings pertaining to s. 440.25, regarding indigency, or s. 440.49, regarding the Special Disability Trust Fund, and shall have the right to intervene in any proceedings.

Section 39. Section 440.345, Florida Statutes, is amended to read:

440.345 Reporting of attorney's fees.—All fees paid to attorneys for services rendered under this chapter shall be reported to the Office of the Judges of Compensation Claims as the *Division of Administrative Hearings* ~~Office of the Judges of Compensation Claims~~ requires by rule. ~~The Office of the Judges of Compensation Claims shall annually summarize such data in a report to the Workers' Compensation Oversight Board.~~

Section 40. Section 440.35, Florida Statutes, is amended to read:

440.35 Record of injury or death.—Every employer shall keep a record in respect of any injury to an employee. Such record shall contain such information of disability or death in respect of such injury as the *department* ~~division~~ may by regulation require, and shall be available to inspection by the *department* ~~division~~ or by any state authority at such time and under such conditions as the *department* ~~division~~ may by regulation prescribe.

Section 41. Subsections (3) and (7) of section 440.381, Florida Statutes, are amended to read:

440.381 Application for coverage; reporting payroll; payroll audit procedures; penalties.—

(3) The department ~~of Insurance and the Department of Labor and Employment Security~~ shall establish by rule minimum requirements for audits of payroll and classifications in order to ensure that the appropriate premium is charged for workers' compensation coverage. The rules shall ensure that audits performed by both carriers and employers are adequate to provide that all sources of payments to employees, subcontractors, and independent contractors have been reviewed and that the accuracy of classification of employees has been verified. The rules shall provide that employers in all classes other than the construction class be audited not less frequently than biennially and may provide for more frequent audits of employers in specified classifications based on factors such as amount of premium, type of business, loss ratios, or other relevant factors. In no event shall employers in the construction class, generating more than the amount of premium required to be experience rated, be audited less than annually. The annual audits required for construction classes shall consist of physical onsite audits. Payroll verification audit rules must include, but need not be limited to, the use of state and federal reports of employee income, payroll and other accounting records, certificates of insurance maintained by subcontractors, and duties of employees.

(7) If an employee suffering a compensable injury was not reported as earning wages on the last quarterly earnings report filed with the Division of Unemployment Compensation before the accident, the

employer shall indemnify the carrier for all workers' compensation benefits paid to or on behalf of the employee unless the employer establishes that the employee was hired after the filing of the quarterly report, in which case the employer and employee shall attest to the fact that the employee was employed by the employer at the time of the injury. ~~It shall be the responsibility of the Division of Workers' Compensation to collect all necessary data so as to enable it to notify the carrier of the name of an injured worker who was not reported as earning wages on the last quarterly earnings report. The division is hereby authorized to release such records to the carrier which will enable the carrier to seek reimbursement as provided under this subsection.~~ Failure of the employer to indemnify the insurer within 21 days after demand by the insurer shall constitute grounds for the insurer to immediately cancel coverage. Any action for indemnification brought by the carrier shall be cognizable in the circuit court having jurisdiction where the employer or carrier resides or transacts business. The insurer shall be entitled to a reasonable attorney's fee if it recovers any portion of the benefits paid in such action.

Section 42. Section 440.40, Florida Statutes, is amended to read:

440.40 Compensation notice.—Every employer who has secured compensation under the provisions of this chapter shall keep posted in a conspicuous place or places in and about her or his place or places of business typewritten or printed notices, in accordance with a form prescribed by the *department* ~~division~~, stating that such employer has secured the payment of compensation in accordance with the provisions of this chapter. Such notices shall contain the name and address of the carrier, if any, with whom the employer has secured payment of compensation and the date of the expiration of the policy. The *department* ~~division~~ may by rule prescribe the form of the notices and require carriers to provide the notices to policyholders.

Section 43. Section 440.41, Florida Statutes, is amended to read:

440.41 Substitution of carrier for employer.—In any case where the employer is not a self-insurer, in order that the liability for compensation imposed by this chapter may be most effectively discharged by the employer, and in order that the administration of this chapter in respect of such liability may be facilitated, the *department* ~~division~~ shall by regulation provide for the discharge, by the carrier for such employer, of such obligations and duties of the employer in respect of such liability, imposed by this chapter upon the employer, as it considers proper in order to effectuate the provisions of this chapter. For such purposes:

(1) Notice to or knowledge of an employer of the occurrence of the injury shall be notice to or knowledge of the carrier.

(2) Jurisdiction of the employer by the judges of compensation claims, the *department* ~~division~~, or any court under this chapter shall be jurisdiction of the carrier.

(3) Any requirement by the judges of compensation claims, the *department* ~~division~~, or any court under any compensation order, finding, or decision shall be binding upon the carrier in the same manner and to the same extent as upon the employer.

Section 44. Subsection (3) of section 440.42, Florida Statutes, is amended to read:

440.42 Insurance policies; liability.—

(3) No contract or policy of insurance issued by a carrier under this chapter shall expire or be canceled until at least 30 days have elapsed after a notice of cancellation has been sent to the *department* ~~division~~ and to the employer in accordance with the provisions of s. 440.185(7). However, when duplicate or dual coverage exists by reason of two different carriers having issued policies of insurance to the same employer securing the same liability, it shall be presumed that only that policy with the later effective date shall be in force and that the earlier policy terminated upon the effective date of the latter. In the event that both policies carry the same effective date, one of the policies may be canceled instanter upon filing a notice of cancellation with the *department* ~~division~~ and serving a copy thereof upon the employer in such manner as the *department* ~~division~~ prescribes by rule. The *department* ~~division~~ may by rule prescribe the content of the notice of retroactive cancellation and specify the time, place, and manner in which the notice of cancellation is to be served.

Section 45. Section 440.44, Florida Statutes, is amended to read:

440.44 Workers' compensation; staff organization.—

(1) INTERPRETATION OF LAW.—As a guide to the interpretation of this chapter, the Legislature takes due notice of federal social and labor acts and hereby creates an agency to administer such acts passed for the benefit of employees and employers in Florida industry, and desires to meet the requirements of such federal acts wherever not inconsistent with the Constitution and laws of Florida.

(2) INTENT.—It is the intent of the Legislature that the *department, the agency, the Department of Education, and the* Division *of Administrative Hearings* assume an active and forceful role in its administration of this act, so as to ensure that the system operates efficiently and with maximum benefit to both employers and employees.

(3) EXPENDITURES.—The *department, the agency, the Department of Education,* ~~division~~ and the director of the Division of Administrative Hearings shall make such expenditures, including expenditures for personal services and rent at the seat of government and elsewhere, for law books; for telephone services and WATS lines; for books of reference, periodicals, equipment, and supplies; and for printing and binding as may be necessary in the administration of this chapter. All expenditures in the administration of this chapter shall be allowed and paid as provided in s. 440.50 upon the presentation of itemized vouchers therefor approved by the *department, the agency, the Department of Education,* ~~division~~ or the director of the Division of Administrative Hearings.

(4) ~~MERIT SYSTEM PRINCIPLE OF~~ PERSONNEL ADMINISTRATION.—Subject to the other provisions of this chapter, the *department, the agency, the Department of Education, and the Division of Administrative Hearings may* ~~division is authorized to~~ appoint, and prescribe the duties and powers of, bureau chiefs, attorneys, accountants, medical advisers, technical assistants, inspectors, claims examiners, and such other employees as may be necessary in the performance of *their* ~~its~~ duties under this chapter.

(5) OFFICE.—The *department, the agency, the Department of Education,* ~~division~~ and the Deputy Chief Judge shall maintain and keep open during reasonable business hours an office, which shall be provided in the Capitol or some other suitable building in the City of Tallahassee, for the transaction of business under this chapter, at which office the official records and papers shall be kept. The office shall be furnished and equipped. The *department, the agency* ~~division~~, any judge of compensation claims, or the Deputy Chief Judge may hold sessions and conduct hearings at any place within the state. The Office of the Judges of Compensation Claims shall maintain the 17 district offices, 31 judges of compensation claims, and 31 mediators as they exist on June 30, 2001.

(6) SEAL.—The *department* ~~division~~ and the judges of compensation claims shall have a seal upon which shall be inscribed the words "State of Florida Department of Insurance—Seal" and "Division of Administrative Hearings—Seal," respectively.

(7) DESTRUCTION OF OBSOLETE RECORDS.—The *department* ~~division~~ is expressly authorized to provide by regulation for and to destroy obsolete records of the *department* ~~division~~. The Division of Administrative Hearings is expressly authorized to provide by regulation for and to destroy obsolete records of the Office of the Judges of Compensation Claims.

(8) PROCEDURE.—In the exercise of *their* ~~its~~ duties and functions requiring administrative hearings, the *department and the agency* ~~division~~ shall proceed in accordance with the Administrative Procedure Act. The authority of the *department and the agency* ~~division~~ to issue orders resulting from administrative hearings as provided for in this chapter shall not infringe upon the jurisdiction of the judges of compensation claims.

Section 46. Subsection (1) of section 440.45, Florida Statutes, is amended to read:

440.45 Office of the Judges of Compensation Claims.—

(1)(a) There is created the Office of the Judges of Compensation Claims within the Department of Management Services. The Office of the Judges of Compensation Claims shall be headed by the Deputy Chief Judge of Compensation Claims. The Deputy Chief Judge shall report to the director of the Division of Administrative Hearings. The Deputy Chief Judge shall be appointed by the Governor for a term of 4 years from a list of three names submitted by the statewide nominating commission created under subsection (2). The Deputy Chief Judge must demonstrate prior administrative experience and possess the same qualifications for appointment as a judge of compensation claims, and the procedure for reappointment of the Deputy Chief Judge will be the same as for reappointment of a judge of compensation claims. The office shall be a separate budget entity and the director of the Division of Administrative Hearings shall be its agency head for all purposes*, including, but not limited to, rulemaking pursuant to subsection (4) and establishing agency policies and procedures*. The Department of Management Services shall provide administrative support and service to the office to the extent requested by the director of the Division of Administrative Hearings but shall not direct, supervise, or control the Office of the Judges of Compensation Claims in any manner, including, but not limited to, personnel, purchasing, budgetary matters, or property transactions. The operating budget of the Office of the Judges of Compensation Claims shall be paid out of the Workers' Compensation Administration Trust Fund established in s. 440.50.

(b) The current term of the Chief Judge of Compensation Claims shall expire October 1, 2001. Effective October 1, 2001, the position of Deputy Chief Judge of Compensation Claims is created.

Section 47. Subsections (1), (2), (7), (8), (9), (10), and (11) of section 440.49, Florida Statutes, are amended to read:

440.49 Limitation of liability for subsequent injury through Special Disability Trust Fund.—

(1) LEGISLATIVE INTENT.—Whereas it is often difficult for workers with disabilities to achieve employment or to become reemployed following an injury, and it is the desire of the Legislature to facilitate the return of these workers to the workplace, it is the purpose of this section to encourage the employment, reemployment, and accommodation of the physically disabled by reducing an employer's insurance premium for reemploying an injured worker, to decrease litigation between carriers on apportionment issues, and to protect employers from excess liability for compensation and medical expense when an injury to a physically disabled worker merges with, aggravates, or accelerates her or his preexisting permanent physical impairment to cause either a greater disability or permanent impairment, or an increase in expenditures for temporary compensation or medical benefits than would have resulted from the injury alone. The *department* ~~division~~ or the administrator shall inform all employers of the existence and function of the fund and shall interpret eligibility requirements liberally. However, this subsection shall not be construed to create or provide any benefits for injured employees or their dependents not otherwise provided by this chapter. The entitlement of an injured employee or her or his dependents to compensation under this chapter shall be determined without regard to this subsection, the provisions of which shall be considered only in determining whether an employer or carrier who has paid compensation under this chapter is entitled to reimbursement from the Special Disability Trust Fund.

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

(a) "Permanent physical impairment" means and is limited to the conditions listed in paragraph (6)(a).

(b) "Preferred worker" means a worker who, because of a permanent impairment resulting from a compensable injury or occupational disease, is unable to return to the worker's regular employment.

(c) "Merger" describes or means that:

1. If the permanent physical impairment had not existed, the subsequent accident or occupational disease would not have occurred;

2. The permanent disability or permanent impairment resulting from the subsequent accident or occupational disease is materially and substantially greater than that which would have resulted had the permanent physical impairment not existed, and the employer has been required to pay, and has paid, permanent total disability or permanent impairment benefits for that materially and substantially greater disability;

3. The preexisting permanent physical impairment is aggravated or accelerated as a result of the subsequent injury or occupational disease, or the preexisting impairment has contributed, medically and circumstantially, to the need for temporary compensation, medical, or attendant care and the employer has been required to pay, and has paid, temporary compensation, medical, or attendant care benefits for the aggravated preexisting permanent impairment; or

4. Death would not have been accelerated if the permanent physical impairment had not existed.

(d) "Excess permanent compensation" means that compensation for permanent impairment, or permanent total disability or death benefits, for which the employer or carrier is otherwise entitled to reimbursement from the Special Disability Trust Fund.

(e) "Administrator" means the entity selected by the *department* ~~division~~ to review, allow, deny, compromise, controvert, and litigate claims of the Special Disability Trust Fund.

In addition to the definitions contained in this subsection, the *department* ~~division~~ may by rule prescribe definitions that are necessary for the effective administration of this section.

(7) REIMBURSEMENT OF EMPLOYER.—

(a) The right to reimbursement as provided in this section is barred unless written notice of claim of the right to such reimbursement is filed by the employer or carrier entitled to such reimbursement with the *department* ~~division~~ or administrator at Tallahassee within 2 years after the date the employee last reached maximum medical improvement, or within 2 years after the date of the first payment of compensation for permanent total disability, wage loss, or death, whichever is later. The notice of claim must contain such information as the *department* ~~division~~ by rule requires or as established by the administrator; and the employer or carrier claiming reimbursement shall furnish such evidence in support of the claim as the *department* ~~division~~ or administrator reasonably may require.

(b) For notice of claims on the Special Disability Trust Fund filed on or after July 1, 1978, the Special Disability Trust Fund shall, within 120 days after receipt of notice that a carrier has paid, been required to pay, or accepted liability for excess compensation, serve notice of the acceptance of the claim for reimbursement.

(c) A proof of claim must be filed on each notice of claim on file as of June 30, 1997, within 1 year after July 1, 1997, or the right to reimbursement of the claim shall be barred. A notice of claim on file on or before June 30, 1997, may be withdrawn and refiled if, at the time refiled, the notice of claim remains within the limitation period specified in paragraph (a). Such refiling shall not toll, extend, or otherwise alter in any way the limitation period applicable to the withdrawn and subsequently refiled notice of claim. Each proof of claim filed shall be accompanied by a proof-of-claim fee as provided in paragraph (9)(d). The Special Disability Trust Fund shall, within 120 days after receipt of the proof of claim, serve notice of the acceptance of the claim for reimbursement. This paragraph shall apply to all claims notwithstanding the provisions of subsection (12).

(d) Each notice of claim filed or refiled on or after July 1, 1997, must be accompanied by a notification fee as provided in paragraph (9)(d). A proof of claim must be filed within 1 year after the date the notice of claim is filed or refiled, accompanied by a proof-of-claim fee as provided in paragraph (9)(d), or the claim shall be barred. The notification fee

shall be waived if both the notice of claim and proof of claim are submitted together as a single filing. The Special Disability Trust Fund shall, within 180 days after receipt of the proof of claim, serve notice of the acceptance of the claim for reimbursement. This paragraph shall apply to all claims notwithstanding the provisions of subsection (12).

(e) For dates of accident on or after January 1, 1994, the Special Disability Trust Fund shall, within 120 days of receipt of notice that a carrier has been required to pay, and has paid over $10,000 in benefits, serve notice of the acceptance of the claim for reimbursement. Failure of the Special Disability Trust Fund to serve notice of acceptance shall give rise to the right to request a hearing on the claim for reimbursement. If the Special Disability Trust Fund through its representative denies or controverts the claim, the right to such reimbursement shall be barred unless an application for a hearing thereon is filed with the *department* ~~division~~ or administrator at Tallahassee within 60 days after notice to the employer or carrier of such denial or controversion. When such application for a hearing is timely filed, the claim shall be heard and determined in accordance with the procedure prescribed in s. 440.25, to the extent that such procedure is applicable, and in accordance with the workers' compensation rules of procedure. In such proceeding on a claim for reimbursement, the Special Disability Trust Fund shall be made the party respondent, and no findings of fact made with respect to the claim of the injured employee or the dependents for compensation, including any finding made or order entered pursuant to s. 440.20(11), shall be res judicata. The Special Disability Trust Fund may not be joined or made a party to any controversy or dispute between an employee and the dependents and the employer or between two or more employers or carriers without the written consent of the fund.

(f) When it has been determined that an employer or carrier is entitled to reimbursement in any amount, the employer or carrier shall be reimbursed annually from the Special Disability Trust Fund for the compensation and medical benefits paid by the employer or carrier for which the employer or carrier is entitled to reimbursement, upon filing request therefor and submitting evidence of such payment in accordance with rules prescribed by the *department* ~~division~~, which rules may include parameters for annual audits. The Special Disability Trust Fund shall pay the approved reimbursement requests on a first-in, first-out basis reflecting the order in which the reimbursement requests were received.

(g) The *department* ~~division~~ may by rule require specific forms and procedures for the administration and processing of claims made through the Special Disability Trust Fund.

(8) PREFERRED WORKER PROGRAM.—The *Department of Education* ~~division~~ or administrator shall issue identity cards to preferred workers upon request by qualified employees and *the Department of Insurance* shall reimburse an employer, from the Special Disability Trust Fund, for the cost of workers' compensation premium related to the preferred workers payroll for up to 3 years of continuous employment upon satisfactory evidence of placement and issuance of payroll and classification records and upon the employee's certification of employment. The *department and the Department of Education* ~~division~~ may by rule prescribe definitions, forms, and procedures for the administration of the preferred worker program. The *Department of Education* ~~division~~ may by rule prescribe the schedule for submission of forms for participation in the program.

(9) SPECIAL DISABILITY TRUST FUND.—

(a) There is established in the State Treasury a special fund to be known as the "Special Disability Trust Fund," which shall be available only for the purposes stated in this section; and the assets thereof may not at any time be appropriated or diverted to any other use or purpose. The Treasurer shall be the custodian of such fund, and all moneys and securities in such fund shall be held in trust by such Treasurer and shall not be the money or property of the state. The Treasurer is authorized to disburse moneys from such fund only when approved by the *department* ~~division~~ or corporation and upon the order of the Comptroller. The Treasurer shall deposit any moneys paid into such fund into such depository banks as the *department* ~~division~~ may designate and is authorized to invest any portion of the fund which, in the opinion of the *department* ~~division~~, is not needed for current requirements, in the same manner and subject to all the provisions of the law with respect to the deposits of state funds by such Treasurer. All interest earned by such portion of the fund as may be invested by the Treasurer shall be collected by her or him and placed to the credit of such fund.

(b)1. The Special Disability Trust Fund shall be maintained by annual assessments upon the insurance companies writing compensation insurance in the state, the commercial self-insurers under ss. 624.462 and 624.4621, the assessable mutuals under s. 628.601, and the self-insurers under this chapter, which assessments shall become due and be paid quarterly at the same time and in addition to the assessments provided in s. 440.51. The *department* ~~division~~ shall estimate annually in advance the amount necessary for the administration of this subsection and the maintenance of this fund and shall make such assessment in the manner hereinafter provided.

2. The annual assessment shall be calculated to produce during the ensuing fiscal year an amount which, when combined with that part of the balance in the fund on June 30 of the current fiscal year which is in excess of $100,000, is equal to the average of:

a. The sum of disbursements from the fund during the immediate past 3 calendar years, and

b. Two times the disbursements of the most recent calendar year.

Such amount shall be prorated among the insurance companies writing compensation insurance in the state and the self-insurers. Provided however, for those carriers that have excluded ceded reinsurance premiums from their assessments on or before January 1, 2000, no assessments on ceded reinsurance premiums shall be paid by those carriers until such time as the *former* Division *of Workers' Compensation of the Department of Labor and Employment Security or the department* advises each of those carriers of the impact that the inclusion of ceded reinsurance premiums has on their assessment. The *department* ~~division~~ may not recover any past underpayments of assessments levied against any carrier that on or before January 1, 2000, excluded ceded reinsurance premiums from their assessment prior to the point that the *former* Division *of Workers' Compensation of the Department of Labor and Employment Security or the department* advises of the appropriate assessment that should have been paid.

3. The net premiums written by the companies for workers' compensation in this state and the net premium written applicable to the self-insurers in this state are the basis for computing the amount to be assessed as a percentage of net premiums. Such payments shall be made by each carrier and self-insurer to the *department* ~~division~~ for the Special Disability Trust Fund in accordance with such regulations as the *department* ~~division~~ prescribes.

4. The Treasurer is authorized to receive and credit to such Special Disability Trust Fund any sum or sums that may at any time be contributed to the state by the United States under any Act of Congress, or otherwise, to which the state may be or become entitled by reason of any payments made out of such fund.

(c) Notwithstanding the Special Disability Trust Fund assessment rate calculated pursuant to this section, the rate assessed shall not exceed 4.52 percent.

(d) The Special Disability Trust Fund shall be supplemented by a $250 notification fee on each notice of claim filed or refiled after July 1, 1997, and a $500 fee on each proof of claim filed in accordance with subsection (7). Revenues from the fee shall be deposited into the Special Disability Trust Fund and are exempt from the deduction required by s. 215.20. The fees provided in this paragraph shall not be imposed upon any insurer which is in receivership with the Department of Insurance.

(e) The department ~~of Labor and Employment Security~~ or administrator shall report annually on the status of the Special Disability Trust Fund. The report shall update the estimated undiscounted and discounted fund liability, as determined by an

independent actuary, change in the total number of notices of claim on file with the fund in addition to the number of newly filed notices of claim, change in the number of proofs of claim processed by the fund, the fee revenues refunded and revenues applied to pay down the liability of the fund, the average time required to reimburse accepted claims, and the average administrative costs per claim. The department or administrator shall submit its report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 1 of each year.

(10) *DEPARTMENT* ~~DIVISION~~ ADMINISTRATION OF FUND; CLAIMS; EXPENSES.—The *department* ~~division~~ or administrator shall administer the Special Disability Trust Fund with authority to allow, deny, compromise, controvert, and litigate claims made against it and to designate an attorney to represent it in proceedings involving claims against the fund, including negotiation and consummation of settlements, hearings before judges of compensation claims, and judicial review. The *department* ~~division~~ or administrator or the attorney designated by it shall be given notice of all hearings and proceedings involving the rights or obligations of such fund and shall have authority to make expenditures for such medical examinations, expert witness fees, depositions, transcripts of testimony, and the like as may be necessary to the proper defense of any claim. All expenditures made in connection with conservation of the fund, including the salary of the attorney designated to represent it and necessary travel expenses, shall be allowed and paid from the Special Disability Trust Fund as provided in this section upon the presentation of itemized vouchers therefor approved by the *department* ~~division~~.

(11) EFFECTIVE DATES.—This section does not apply to any case in which the accident causing the subsequent injury or death or the disablement or death from a subsequent occupational disease occurred prior to July 1, 1955, or on or after January 1, 1998. In no event shall the Special Disability Trust Fund be liable for, or reimburse employers or carriers for, any case in which the accident causing the subsequent injury or death or the disablement or death from a subsequent occupational disease occurred on or after January 1, 1998. The Special Disability Trust Fund shall continue to reimburse employers or carriers for subsequent injuries occurring prior to January 1, 1998, and the *department* ~~division~~ shall continue to assess for and the *department* ~~division~~ or administrator shall fund reimbursements as provided in subsection (9) for this purpose.

Section 48. Paragraphs (b) through (h) of subsection (1) of section 440.491, Florida Statutes, are redesignated as paragraphs (c) through (i), respectively, a new paragraph (b) is added to said subsection, and present paragraph (c) of subsection (1), paragraph (a) of subsection (3), paragraph (b) of subsection (4), paragraphs (b) and (c) of subsection (5), and subsections (6), (7), and (8) of said section are amended, to read:

440.491 Reemployment of injured workers; rehabilitation.—

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

(b) "Department" means the Department of Education.

(d)~~(c)~~ "Qualified rehabilitation provider" means a rehabilitation nurse, rehabilitation counselor, vocational evaluator, rehabilitation facility, or agency approved by the *Department of Education* ~~division~~ as qualified to provide reemployment assessments, medical care coordination, reemployment services, or vocational evaluations under this chapter.

(3) REEMPLOYMENT STATUS REVIEWS AND REPORTS.—

(a) When an employee who has suffered an injury compensable under this chapter is unemployed 60 days after the date of injury and is receiving benefits for temporary total disability, temporary partial disability, or wage loss, and has not yet been provided medical care coordination and reemployment services voluntarily by the carrier, the carrier must determine whether the employee is likely to return to work and must report its determination to the *department* ~~division~~. The carrier must thereafter determine the reemployment status of the employee at 90-day intervals as long as the employee remains unemployed, is not receiving medical care coordination or reemployment services, and is receiving the benefits specified in this subsection.

(4) REEMPLOYMENT ASSESSMENTS.—

(b) The carrier shall authorize only a qualified rehabilitation provider to provide the reemployment assessment. The rehabilitation provider shall conduct its assessment and issue a report to the carrier, the employee, and the *department* ~~division~~ within 30 days after the time such assessment is complete.

(5) MEDICAL CARE COORDINATION AND REEMPLOYMENT SERVICES.—

(b) If the rehabilitation provider concludes that training and education are necessary to return the employee to suitable gainful employment, or if the employee has not returned to suitable gainful employment within 180 days after referral for reemployment services or receives $2,500 in reemployment services, whichever comes first, the carrier must discontinue reemployment services and refer the employee to the *department* ~~division~~ for a vocational evaluation. Notwithstanding any provision of chapter 289 or chapter 627, the cost of a reemployment assessment and the first $2,500 in reemployment services to an injured employee must not be treated as loss adjustment expense for workers' compensation ratemaking purposes.

(c) A carrier may voluntarily provide medical care coordination or reemployment services to the employee at intervals more frequent than those required in this section. For the purpose of monitoring reemployment, the carrier or the rehabilitation provider shall report to the *department* ~~division~~, in the manner prescribed by the *department* ~~division~~, the date of reemployment and wages of the employee. The carrier shall report its voluntary service activity to the *department* ~~division~~ as required by rule. Voluntary services offered by the carrier for any of the following injuries must be considered benefits for purposes of ratemaking: traumatic brain injury; spinal cord injury; amputation, including loss of an eye or eyes; burns of 5 percent or greater of the total body surface.

(6) TRAINING AND EDUCATION.—

(a) Upon referral of an injured employee by the carrier, or upon the request of an injured employee, the *department* ~~division~~ shall conduct a training and education screening to determine whether it should refer the employee for a vocational evaluation and, if appropriate, approve training and education or other vocational services for the employee. The *department* ~~division~~ may not approve formal training and education programs unless it determines, after consideration of the reemployment assessment, pertinent reemployment status reviews or reports, and such other relevant factors as it prescribes by rule, that the reemployment plan is likely to result in return to suitable gainful employment. The *department* ~~division~~ is authorized to expend moneys from the Workers' Compensation Administration Trust Fund, established by s. 440.50, to secure appropriate training and education or other vocational services when necessary to satisfy the recommendation of a vocational evaluator. The *department* ~~division~~ shall establish training and education standards pertaining to employee eligibility, course curricula and duration, and associated costs.

(b) When it appears that an employee who has attained maximum medical improvement requires training and education to obtain suitable gainful employment, the employer shall pay the employee additional temporary total compensation while the employee receives such training and education for a period not to exceed 26 weeks, which period may be extended for an additional 26 weeks or less, if such extended period is determined to be necessary and proper by a judge of compensation claims. However, a carrier or employer is not precluded from voluntarily paying additional temporary total disability compensation beyond that period. If an employee requires temporary residence at or near a facility or an institution providing training and education which is located more than 50 miles away from the employee's customary residence, the reasonable cost of board, lodging, or travel must be borne by the *department* ~~division~~ from the Workers' Compensation Administration Trust Fund established by s. 440.50. An

employee who refuses to accept training and education that is recommended by the vocational evaluator and considered necessary by the *department* ~~division~~ is subject to a 50-percent reduction in weekly compensation benefits, including wage-loss benefits, as determined under s. 440.15(3)(b).

(7) PROVIDER QUALIFICATIONS.—

(a) The *department* ~~division~~ shall investigate and maintain a directory of each qualified public and private rehabilitation provider, facility, and agency, and shall establish by rule the minimum qualifications, credentials, and requirements that each rehabilitation service provider, facility, and agency must satisfy to be eligible for listing in the directory. These minimum qualifications and credentials must be based on those generally accepted within the service specialty for which the provider, facility, or agency is approved.

(b) The *department* ~~division~~ shall impose a biennial application fee of $25 for each listing in the directory, and all such fees must be deposited in the Workers' Compensation Administration Trust Fund.

(c) The *department* ~~division~~ shall monitor and evaluate each rehabilitation service provider, facility, and agency qualified under this subsection to ensure its compliance with the minimum qualifications and credentials established by the *department* ~~division~~. The failure of a qualified rehabilitation service provider, facility, or agency to provide the *department* ~~division~~ with information requested or access necessary for the *department* ~~division~~ to satisfy its responsibilities under this subsection is grounds for disqualifying the provider, facility, or agency from further referrals.

(d) A qualified rehabilitation service provider, facility, or agency may not be authorized by an employer, a carrier, or the *department* ~~division~~ to provide any services, including expert testimony, under this section in this state unless the provider, facility, or agency is listed or has been approved for listing in the directory. This restriction does not apply to services provided outside this state under this section.

(e) The *department* ~~division~~, after consultation with representatives of employees, employers, carriers, rehabilitation providers, and qualified training and education providers, shall adopt rules governing professional practices and standards.

(8) CARRIER PRACTICES.—The *department* ~~division~~ shall monitor the selection of providers and the provision of services by carriers under this section for consistency with legislative intent set forth in subsection (2).

Section 49. Section 440.50, Florida Statutes, is amended to read:

440.50 Workers' Compensation Administration Trust Fund.—

(1)(a) There is established in the State Treasury a special fund to be known as the "Workers' Compensation Administration Trust Fund" for the purpose of providing for the payment of all expenses in respect to the administration of this chapter, including the vocational rehabilitation of injured employees as provided in s. 440.49 and the payments due under s. 440.15(1)(f), the funding of the fixed administrative expenses of the plan, and the funding of the Bureau of Workers' Compensation Fraud within the Department of Insurance. Such fund shall be administered by the *department* ~~division~~.

(b) The *department* ~~division~~ is authorized to transfer as a loan an amount not in excess of $250,000 from such special fund to the Special Disability Trust Fund established by s. 440.49(9), which amount shall be repaid to said special fund in annual payments equal to not less than 10 percent of moneys received for such Special Disability Trust Fund.

(2) The Treasurer is authorized to disburse moneys from such fund only when approved by the *department* ~~division~~ and upon the order of the Comptroller.

(3) The Treasurer shall deposit any moneys paid into such fund into such depository banks as the *department* ~~division~~ may designate and is authorized to invest any portion of the fund which, in the opinion of the *department* ~~division~~, is not needed for current requirements, in the same manner and subject to all the provisions of the law with respect to the deposit of state funds by such Treasurer. All interest earned by such portion of the fund as may be invested by the Treasurer shall be collected by him or her and placed to the credit of such fund.

(4) All civil penalties provided in this chapter, if not voluntarily paid, may be collected by civil suit brought by the *department* ~~division~~ and shall be paid into such fund.

Section 50. Section 440.51, Florida Statutes, is amended to read:

440.51 Expenses of administration.—

(1) The *department* ~~division~~ shall estimate annually in advance the amounts necessary for the administration of this chapter, in the following manner.

(a) The *department* ~~division~~ shall, by July 1 of each year, notify carriers and self-insurers of the assessment rate, which shall be based on the anticipated expenses of the administration of this chapter for the next calendar year. Such assessment rate shall take effect January 1 of the next calendar year and shall be included in workers' compensation rate filings approved by the Department of Insurance which become effective on or after January 1 of the next calendar year. Assessments shall become due and be paid quarterly.

(b) The total expenses of administration shall be prorated among the carriers writing compensation insurance in the state and self-insurers. The net premiums collected by carriers and the amount of premiums calculated by the *department* ~~division~~ for self-insured employers are the basis for computing the amount to be assessed. When reporting deductible policy premium for purposes of computing assessments levied after July 1, 2001, full policy premium value must be reported prior to application of deductible discounts or credits. This amount may be assessed as a specific amount or as a percentage of net premiums payable as the *department* ~~division~~ may direct, provided such amount so assessed shall not exceed 2.75 percent, beginning January 1, 2001, except during the interim period from July 1, 2000, through December 31, 2000, such assessments shall not exceed 4 percent of such net premiums. The carriers may elect to make the payments required under s. 440.15(1)(f) rather than having these payments made by the *department* ~~division~~. In that event, such payments will be credited to the carriers, and the amount due by the carrier under this section will be reduced accordingly.

(2) The *department* ~~division~~ shall provide by regulation for the collection of the amounts assessed against each carrier. Such amounts shall be paid within 30 days from the date that notice is served upon such carrier. If such amounts are not paid within such period, there may be assessed for each 30 days the amount so assessed remains unpaid, a civil penalty equal to 10 percent of the amount so unpaid, which shall be collected at the same time and a part of the amount assessed. For those carriers who excluded ceded reinsurance premiums from their assessments prior to January 1, 2000, the *department* ~~division~~ shall not recover any past underpayments of assessments related to ceded reinsurance premiums prior to January 1, 2001, against such carriers.

(3) If any carrier fails to pay the amounts assessed against him or her under the provisions of this section within 60 days from the time such notice is served upon him or her, the department ~~of Insurance upon being advised by the division~~ may suspend or revoke the authorization to insure compensation in accordance with the procedure in s. 440.38(3)(a). The *department* ~~division~~ may permit a carrier to remit any underpayment of assessments for assessments levied after January 1, 2001.

(4) All amounts collected under the provisions of this section shall be paid into the fund established in s. 440.50.

(5) Any amount so assessed against and paid by an insurance carrier, self-insurer authorized pursuant to s. 624.4621, or commercial self-insurance fund authorized under ss. 624.460-624.488 shall be allowed as a deduction against the amount of any other tax levied by the state upon the premiums, assessments, or deposits for workers' compensation insurance on contracts or policies of said insurance

carrier, self-insurer, or commercial self-insurance fund. Any insurance carrier claiming such a deduction against the amount of any such tax shall not be required to pay any additional retaliatory tax levied pursuant to s. 624.5091 as a result of claiming such deduction. Because deductions under this subsection are available to insurance carriers, s. 624.5091 does not limit such deductions in any manner.

(6)(a) The *department* ~~division~~ may require from each carrier, at such time and in accordance with such regulations as the *department* ~~division~~ may prescribe, reports in respect to all gross earned premiums and of all payments of compensation made by such carrier during each prior period, and may determine the amounts paid by each carrier and the amounts paid by all carriers during such period.

(b) The Department of Insurance may require from each self-insurer, at such time and in accordance with such regulations as the Department of Insurance prescribes, reports in respect to wages paid, the amount of premiums such self-insurer would have to pay if insured, and all payments of compensation made by such self-insurer during each prior period, and may determine the amounts paid by each self-insurer and the amounts paid by all self-insurers during such period. For the purposes of this section, the payroll records of each self-insurer shall be open to annual inspection and audit by the Department of Insurance or its authorized representative, during regular business hours; and if any audit of such records of a self-insurer discloses a deficiency in the amounts reported to the Department of Insurance or in the amounts paid to the Department of Insurance by a self-insurer pursuant to this section, the Department of Insurance may assess the cost of such audit against the self-insurer.

(7) The *department* ~~division~~ shall keep accumulated cost records of all injuries occurring within the state coming within the purview of this chapter on a policy and calendar-year basis. For the purpose of this chapter, a "calendar year" is defined as the year in which the injury is reported to the *department* ~~division~~; "policy year" is defined as that calendar year in which the policy becomes effective, and the losses under such policy shall be chargeable against the policy year so defined.

(8) The *department* ~~division~~ shall assign an account number to each employer under this chapter and an account number to each insurance carrier authorized to write workers' compensation insurance in the state; and it shall be the duty of the *department* ~~division~~ under the account number so assigned to keep the cost experience of each carrier and the cost experience of each employer under the account number so assigned by calendar and policy year, as above defined.

(9) In addition to the above, it shall be the duty of the *department* ~~division~~ to keep the accident experience, as classified by the *department* ~~division~~, by industry as follows:

(a) Cause of the injury;

(b) Nature of the injury; and

(c) Type of disability.

(10) In every case where the duration of disability exceeds 30 days, the carrier shall establish a sufficient reserve to pay all benefits to which the injured employee, or in case of death, his or her dependents, may be entitled to under the law. In establishing the reserve, consideration shall be given to the nature of the injury, the probable period of disability, and the estimated cost of medical benefits.

(11) The *department* ~~division~~ shall furnish to any employer or carrier, upon request, its individual experience. ~~The division shall furnish to the Department of Insurance, upon request, the Florida experience as developed under accident year or calendar year.~~

(12) In addition to any other penalties provided by this law, the failure to submit any report or other information required by this law shall be just cause to suspend the right of a self-insurer to operate as such~~,~~ or~~, upon certification by the division to the Department of Insurance that a carrier has failed or refused to furnish such reports,~~ shall be just cause for the department ~~of Insurance~~ to suspend or revoke the license of such carrier.

(13) As used in s. 440.50 and this section, the term:

(a) "Plan" means the workers' compensation joint underwriting plan provided for in s. 627.311(4).

(b) "Fixed administrative expenses" means the expenses of the plan, not to exceed $750,000, which are directly related to the plan's administration but which do not vary in direct relationship to the amount of premium written by the plan and which do not include loss adjustment premiums.

(14) Before July 1 in each year, the plan shall notify the *department* ~~division~~ of the amount of the plan's gross written premiums for the preceding calendar year. Whenever the plan's gross written premiums reported to the *department* ~~division~~ are less than $30 million, the *department* ~~division~~ shall transfer to the plan, subject to appropriation by the Legislature, an amount not to exceed the plan's fixed administrative expenses for the preceding calendar year.

Section 51. Subsections (1) and (3) of section 440.52, Florida Statutes, are amended to read:

440.52 Registration of insurance carriers; notice of cancellation or expiration of policy; suspension or revocation of authority.—

(1) Each insurance carrier who desires to write such compensation insurance in compliance with this chapter shall be required, before writing such insurance, to register with the *department* ~~division~~ and pay a registration fee of $100. This shall be deposited by the *department* ~~division~~ in the fund created by s. 440.50.

(3) If the *department* ~~division~~ finds, after due notice and a hearing at which the insurance carrier is entitled to be heard in person or by counsel and present evidence, that the insurance carrier has repeatedly failed to comply with its obligations under this chapter, the *department* ~~division~~ may ~~request the Department of Insurance to~~ suspend or revoke the authorization of such insurance carrier to write workers' compensation insurance under this chapter. Such suspension or revocation shall not affect the liability of any such insurance carrier under policies in force prior to the suspension or revocation.

Section 52. Section 440.525, Florida Statutes, is amended to read:

440.525 Examination of carriers.~~—Beginning July 1, 1994,~~ The ~~Division of Workers' Compensation of the~~ department ~~of Labor and Employment Security~~ may examine each carrier as often as is warranted to ensure that carriers are fulfilling their obligations under the law~~, and shall examine each carrier not less frequently than once every 3 years~~. ~~The examination must cover the preceding 3 fiscal years of the carrier's operations and must commence within 12 months after the end of the most recent fiscal year being covered by the examination.~~ The examination may cover any period of the carrier's operations since the last previous examination.

Section 53. Section 440.572, Florida Statutes, is amended to read:

440.572 Authorization for individual self-insurer to provide coverage.—An individual self-insurer having a net worth of not less than $250 million as authorized by s. 440.38(1)(f) may assume by contract the liabilities under this chapter of contractors and subcontractors, or each of them, employed by or on behalf of such individual self-insurer when performing work on or adjacent to property owned or used by the individual self-insurer by the *department* ~~division~~. The net worth of the individual self-insurer shall include the assets of the self-insurer's parent company and its subsidiaries, sister companies, affiliated companies, and other related entities, located within the geographic boundaries of the state.

Section 54. Section 440.59, Florida Statutes, is amended to read:

440.59 Reporting requirements.—

~~(1)~~ The department shall annually prepare a report of the administration of this chapter for the preceding calendar year, including a detailed statement of the receipts of and expenditures from the fund established in s. 440.50 and a statement of the causes of the accidents

leading to the injuries for which the awards were made, together with such recommendations as the department considers advisable. On or before September 15 of each year, the department shall submit a copy of the report to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Democratic and Republican Leaders of the Senate and the House of Representatives, and the chairs of the legislative committees having jurisdiction over workers' compensation.

~~(2) The division shall annually prepare a closed claim report for all claims for which the employee lost more than 7 days from work and shall submit a copy of the report to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Democratic and Republican Leaders of the Senate and the House of Representatives, and the chairs of the legislative committees having jurisdiction over workers' compensation on or before September 15 of each year. The closed claim report shall include, but not be limited to, an analysis of all claims closed during the preceding year as to the date of accident, age of the injured employee, occupation of the injured employee, type of injury, body part affected, type and duration of indemnity benefits paid, permanent impairment rating, medical benefits identified by type of health care provider, and type and cost of any rehabilitation benefits provided.~~

~~(3) The division shall prepare an annual report for all claims for which the employee lost more than 7 days from work and shall submit a copy of the report to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Democratic and Republican Leaders of the Senate and the House of Representatives, and the chairs of the legislative committees having jurisdiction over workers' compensation, on or before September 15 of each year. The annual report shall include a status report on all cases involving work-related injuries in the previous 10 years. The annual report shall include, but not be limited to, the number of open and closed cases, the number of cases receiving various types of benefits, and the cash and medical benefits paid between the date of injury and the evaluation date in each case.~~

Section 55. Section 440.591, Florida Statutes, is amended to read:

440.591 Administrative procedure; rulemaking authority.—The *department, the agency, and the Department of Education may* ~~division has authority to~~ adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this chapter conferring duties upon it.

Section 56. Section 440.593, Florida Statutes, is amended to read:

440.593 Electronic reporting.—

(1) The *department* ~~division~~ may establish an electronic reporting system requiring or authorizing an employer or carrier to submit required forms, reports, or other information electronically rather than by other means. The *department* ~~division~~ may establish different deadlines for submitting forms, reports, or information to the *department* ~~division~~, or to its authorized agent, via the electronic reporting system than are otherwise required when reporting information by other means.

(2) The *department* ~~division~~ may require any carrier to submit data electronically, either directly or through a third-party vendor, and may require any carrier or vendor submitting data to the *department* ~~division~~ electronically to be certified by the *department* ~~division~~. The *department* ~~division~~ may specify performance requirements for any carrier or vendor submitting data electronically.

(3) The *department* ~~division~~ may revoke the certification of any carrier or vendor determined by the *department* ~~division~~ to be in noncompliance with performance standards prescribed by rule for electronic submissions.

(4) The *department* ~~division~~ may assess a civil penalty, not to exceed $500 for each violation, as prescribed by rule.

(5) The *department may* ~~division is authorized to~~ adopt rules to administer this section.

Section 57. Subsections (1), (4), and (5) of section 443.012, Florida Statutes, are amended to read:

443.012 Unemployment Appeals Commission.—

(1) There is created within the *Agency for Workforce Innovation* ~~Department of Labor and Employment Security~~ an Unemployment Appeals Commission, hereinafter referred to as the "commission." The commission shall consist of a chair and two other members to be appointed by the Governor, subject to confirmation by the Senate. Not more than one appointee must be a person who, on account of previous vocation, employment, or affiliation, is classified as a representative of employers; and not more than one such appointee must be a person who, on account of previous vocation, employment, or affiliation, is classified as a representative of employees.

(a) The chair shall devote his or her entire time to commission duties and shall be responsible for the administrative functions of the commission.

(b) The chair shall have the authority to appoint a general counsel and such other personnel as may be necessary to carry out the duties and responsibilities of the commission.

(c) The chair shall have the qualifications required by law for a judge of the circuit court and shall not engage in any other business vocation or employment. Notwithstanding any other provisions of existing law, the chair shall be paid a salary equal to that paid under state law to a judge of the circuit court.

(d) The remaining members shall be paid a stipend of $100 for each day they are engaged in the work of the commission. The chair and other members shall also be reimbursed for travel expenses, as provided in s. 112.061.

(e) The total salary and travel expenses of each member of the commission shall be paid from the Employment Security Administration Trust Fund.

(4) The property, personnel, and appropriations relating to the specified authority, powers, duties, and responsibilities of the commission shall be provided to the commission by the *Agency for Workforce Innovation* ~~Department of Labor and Employment Security~~.

(5) The commission shall not be subject to control, supervision, or direction by the *Agency for Workforce Innovation* ~~Department of Labor and Employment Security~~ in the performance of its powers and duties under this chapter.

Section 58. Subsection (12) of section 443.036, Florida Statutes, is amended to read:

443.036 Definitions.—As used in this chapter, unless the context clearly requires otherwise:

(12) COMMISSION.—"Commission" means the Unemployment Appeals Commission ~~of the Department of Labor and Employment Security~~.

Section 59. Subsection (3) of section 447.02, Florida Statutes, is amended to read:

447.02 Definitions.—The following terms, when used in this chapter, shall have the meanings ascribed to them in this section:

(3) The term "department" means the Department of *Business and Professional Regulation* ~~Labor and Employment Security~~.

Section 60. Subsection (4) of section 447.305, Florida Statutes, is amended to read:

447.305 Registration of employee organization.—

(4) Notification of registrations and renewals of registration shall be furnished at regular intervals by the commission to the Department of *Business and Professional Regulation* ~~Labor and Employment Security~~.

Section 61. Subsection (4) of section 450.012, Florida Statutes, is amended to read:

450.012 Definitions.—For the purpose of this chapter, the word, phrase, or term:

(4) "Department" means the Department of *Business and Professional Regulation* ~~Labor and Employment Security~~.

Section 62. Paragraph (j) of subsection (1) of section 450.191, Florida Statutes, is amended to read:

450.191 Executive Office of the Governor; powers and duties.—

(1) The Executive Office of the Governor is authorized and directed to:

(j) Cooperate with the farm labor office of the Department of *Business and Professional Regulation* ~~Labor and Employment Security~~ in the recruitment and referral of migrant laborers and other persons for the planting, cultivation, and harvesting of agricultural crops in Florida.

Section 63. Subsection (2) of section 450.28, Florida Statutes, is amended to read:

450.28 Definitions.—

(2) "Department" means the Department of *Business and Professional Regulation* ~~Labor and Employment Security~~.

Section 64. Subsections (1) and (5) of section 624.3161, Florida Statutes, are amended to read:

624.3161 Market conduct examinations.—

(1) As often as it deems necessary, the department shall examine each licensed rating organization, each advisory organization, each group, association, *carrier, as defined in s. 440.02,* or other organization of insurers which engages in joint underwriting or joint reinsurance, and each authorized insurer transacting in this state any class of insurance to which the provisions of chapter 627 are applicable. The examination shall be for the purpose of ascertaining compliance by the person examined with the applicable provisions of chapters *440,* 624, 626, 627, and 635.

(5) Such examinations shall also be subject to the applicable provisions of *chapter 440 and* ss. 624.318, 624.319, 624.321, and 624.322.

Section 65. Paragraph (m) of subsection (1) of section 626.88, Florida Statutes, is amended to read:

626.88 Definitions of "administrator" and "insurer".—

(1) For the purposes of this part, an "administrator" is any person who directly or indirectly solicits or effects coverage of, collects charges or premiums from, or adjusts or settles claims on residents of this state in connection with authorized commercial self-insurance funds or with insured or self-insured programs which provide life or health insurance coverage or coverage of any other expenses described in s. 624.33(1), other than any of the following persons:

(m) A person approved by the ~~Division of Workers' Compensation of the~~ Department of *Insurance* ~~Labor and Employment Security~~ who administers only self-insured workers' compensation plans.

Section 66. Subsection (9) of section 626.989, Florida Statutes, is amended to read:

626.989 Investigation by department or Division of Insurance Fraud; compliance; immunity; confidential information; reports to division; division investigator's power of arrest.—

(9) In recognition of the complementary roles of investigating instances of workers' compensation fraud and enforcing compliance with the workers' compensation coverage requirements under chapter 440, the ~~Division of Insurance Fraud of the~~ Department of Insurance *is* ~~and the Division of Workers' Compensation of the Department of Labor and Employment Security are~~ directed to prepare and submit a joint performance report to the President of the Senate and the Speaker of the House of Representatives by November 1*, 2003* ~~of each year for each of the next 2 years~~, and then *by November 1* every 3 years thereafter, describing the results obtained in achieving compliance with the workers' compensation coverage requirements and reducing the incidence of workers' compensation fraud.

Section 67. Section 627.0915, Florida Statutes, is amended to read:

627.0915 Rate filings; workers' compensation, drug-free workplace, and safe employers.—The Department of Insurance shall approve rating plans for workers' compensation insurance that give specific identifiable consideration in the setting of rates to employers that either implement a drug-free workplace program pursuant to rules adopted by the ~~Division of Workers' Compensation of the~~ Department of *Insurance* ~~Labor and Employment Security~~ or implement a safety program pursuant to provisions of the rating plan or implement both a drug-free workplace program and a safety program. The plans must be actuarially sound and must state the savings anticipated to result from such drug-testing and safety programs.

Section 68. Subsection (3) of section 627.914, Florida Statutes, is amended to read:

627.914 Reports of information by workers' compensation insurers required.—

(3) Individual self-insurers as defined in s. 440.02 shall report only Florida data as prescribed in paragraphs (2)(a)-(e) to the ~~Division of Workers' Compensation of the~~ department ~~of Labor and Employment Security~~.

(a) The *department* ~~Division of Workers' Compensation~~ shall publish the dates and forms necessary to enable individual self-insurers to comply with this section.

(b) A statistical or rating organization may be used by individual self-insurers for the purposes of reporting the data required by this section and calculating experience ratings.

Section 69. *Sections 20.171 and 440.4416, Florida Statutes, are repealed.*

Section 70. *If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does 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 severable.*

Section 71. Except as otherwise provided herein, this act shall take effect July 1, 2002.

And the title is amended as follows:
Remove: the entire title,

and insert: A bill to be entitled An act relating to transferring and reassigning divisions, functions, and responsibilities of the Department of Labor and Employment Security; providing for a type two transfer of the Division of Workers' Compensation to the Department of Insurance; providing for a type two transfer of workers' compensation medical services to the Agency for Health Care Administration; providing for a type two transfer of workers' compensation rehabilitation and reemployment services to the Department of Education; providing for a type two transfer of the administration of child labor laws to the Department of Business and Professional Regulation; providing for comparable pay grades for the transferred positions; authorizing the Department of Insurance to reclassify and reorganize positions within the department and establish regional offices; authorizing the Department of Insurance to enter into contracts; providing for existing contracts to be subject to review and cancellation; providing for a type two transfer of certain functions of the Office of the Secretary and the Office of Administrative Services of the Department of Labor and Employment Security relating to labor organizations and migrant and farm labor registration to the Department of Business and Professional Regulation; providing for a type two transfer of other workplace regulation functions to the Department of Business and Professional Regulation; providing for the transfer of the Unemployment Appeals Commission to the Agency for Workforce Innovation by a type two

transfer; providing for the transfer of the Office of Information Systems to the State Technology Office by a type two transfer; requiring the State Technology Office and the Department of Insurance to determine whether it is feasible to transfer ownership of the Workers' Compensation Integrated System to the Department of Insurance; providing for the continuation of contracts or agreements of the Department of Labor and Employment Security; providing for a successor department, agency, or entity to be substituted for the Department of Labor and Employment Security as a party in interest in pending proceedings; exempting specified state agencies, on a temporary basis, from provisions relating to procurement of property and services and leasing of space; authorizing specified state agencies to develop temporary emergency rules relating to the implementation of the act; amending s. 20.13, F.S.; establishing the Division of Workers' Compensation within the Department of Insurance; amending s. 20.50, F.S.; revising provisions relating to the Agency for Workforce Innovation to conform; revising responsibilities of certain offices within the agency; specifying that the Unemployment Appeals Commission is not subject to the agency; amending ss. 110.205, 112.19, 112.191, 121.125, 122.03, 238.06, and 440.015, F.S., to conform; amending s. 440.02, F.S.; providing a definition for the term "agency"; conforming definitions of "department" and "division" to the transfer of the Division of Workers' Compensation; amending ss. 440.021, 440.05, 440.09, 440.10, 440.102, 440.103, 440.104, 440.105, 440.106, 440.107, 440.108, 440.12, and 440.125, F.S.; conforming provisions to reflect the transfer of the Division of Workers' Compensation; amending s. 440.13, F.S., relating to medical services and supplies under the workers' compensation law; reassigning certain functions from the Division of Workers' Compensation to the Agency for Health Care Administration; conforming agency references to reflect the transfer of the Division of Workers' Compensation; amending ss. 440.134 and 440.14, F.S.; conforming provisions to changes made by the act; amending s. 440.15, F.S.; providing for the agency to specify certain forms and procedures governing wage loss and impairment benefits; conforming a cross reference; amending ss. 440.185, 440.191, 440.192, and 440.1925, F.S.; conforming provisions to changes made by the act; amending ss. 440.20, 440.207, and 440.211, F.S., relating to payment of compensation; conforming provisions to changes made by the act; amending s. 440.24, F.S.; providing for the sale of securities on deposit to satisfy a compensation order; amending ss. 440.25 and 440.271, F.S., relating to mediation, hearings, and appeals; conforming provisions to changes made by the act; amending ss. 440.345 and 440.35, F.S., relating to the reporting of attorney's fees and employer records of injury or death; conforming provisions to changes made by the act; amending s. 440.381, F.S., relating to audits of payroll and classifications; conforming provisions to reflect the transfer of the Division of Workers' Compensation; amending ss. 440.40, 440.41, and 440.42, F.S., relating to employers posting notice of compensation, substitution of carriers for employers with respect to notice and the effect of an order, and expiration of insurance policies, to conform; amending s. 440.44, F.S., relating to the administration of the Workers' Compensation Law; conforming provisions to reflect the transfer of the Division of Workers' Compensation; amending s. 440.45, F.S., relating to the Office of the Judges of Compensation Claims; clarifying the responsibilities of the director of the Division of Administrative Hearings as agency head of the Office of the Judges of Compensation Claims; amending s. 440.49, F.S., relating to the Special Disability Trust Fund; conforming provisions to reflect the transfer of the Division of Workers' Compensation; reassigning responsibility for a report on the Special Disability Trust Fund to the Department of Insurance; amending s. 440.491, F.S., relating to the reemployment of injured workers; conforming provisions to the transfer of rehabilitation and reemployment services to the Department of Education; amending ss. 440.50, 440.51, and 440.52, F.S., relating to the Workers' Compensation Administration Trust Fund, expenses of administration, and certain responsibilities of insurance carriers; conforming references to reflect the transfer of the Division of Workers' Compensation; amending s. 440.525, F.S., relating to the examination of carriers; conforming agency references to the transfer of programs from the Department of Labor and Employment Security to the Department of Insurance; amending s. 440.572, F.S., to conform; amending s. 440.59, F.S., relating to division reporting requirements; eliminating unnecessary reporting requirements; amending ss. 440.591 and 440.593, F.S., relating to authorization to self-insure, reporting requirements, and rulemaking authority; conforming provisions to changes made by the act; amending s. 443.012, F.S.; providing for the Unemployment Appeals Commission to be created within the Agency for Workforce Innovation rather than the Department of Labor and Employment Security; conforming provisions; amending s. 443.036, F.S.; conforming the definition of "commission" to the transfer of the Unemployment Appeals Commission to the Agency for Workforce Innovation; amending s. 447.02, F.S.; conforming the definition of "department" to the transfer of the regulation of labor organizations to the Department of Business and Professional Regulation; amending s. 447.305, F.S.; providing that notification of registrations and renewals of registration shall be furnished to the Department of Business and Professional Regulation, to conform; amending s. 450.012, F.S.; conforming the definition of "department" to the transfer of the regulation of child labor to the Department of Business and Professional Regulation; amending s. 450.191, F.S., relating to the duties of the Executive Office of the Governor with respect to migrant labor; conforming provisions to changes made by the act; amending s. 450.28, F.S.; conforming the definition of "department" to the transfer of the regulation of farm labor to the Department of Business and Professional Regulation; amending s. 624.3161, F.S., relating to insurance market conduct examinations; conforming provisions to changes made by the act; amending s. 626.88, F.S., relating to self-insurance definitions; conforming provisions to changes made by the act; amending s. 626.989, F.S., relating to Division of Insurance Fraud reporting requirements; conforming provisions to changes made by the act and establishing reporting deadlines; amending s. 627.0915, F.S.; conforming departmental references to changes made by the act; amending s. 627.914, F.S., relating to reporting requirements by self-insurers; conforming provisions to changes made by the act; repealing s. 20.171, F.S., relating to the establishment and the authority and organizational structure of the Department of Labor and Employment Security; repealing s. 440.4416, F.S., relating to the Workers' Compensation Oversight Board; providing for severability; providing effective dates.

Rep. Clarke moved the adoption of the amendment.

Representative(s) Clarke offered the following:

(Amendment Bar Code: 631895)

Amendment 1 to Amendment 1—On page 62, line 18, through page 63, line 1,
remove: all of said lines

and insert: ~~division~~ rules. Any employer, if self-insured, or carrier found by the division not to be within 90 percent compliance as to the payment of medical bills after July 1, 1994, must be assessed a fine not to exceed 1 percent of the prior year's assessment levied against such entity under s. 440.51 for every quarter in which the entity fails to attain 90-percent compliance. The *department* ~~division~~ shall fine *or otherwise discipline* an employer or carrier, pursuant to *this chapter, the insurance code, or* rules adopted by the *department* ~~division~~, for each late payment of compensation that is below the minimum 90-percent performance standard. Any carrier that is found to be not in compliance in subsequent consecutive quarters must implement a medical-bill review program approved by the division, and the carrier is subject to disciplinary action by the Department of Insurance.

Rep. Clarke moved the adoption of the amendment to the amendment, which was adopted.

Representative(s) Clarke offered the following:

(Amendment Bar Code: 720477)

Amendment 2 to Amendment 1—On page 89, line 30, through page 90, line 3,
remove: all of said lines

and insert: in s. 440.13(11)(b) up to $50 for each late payment of compensation that is below the minimum 90 percent performance standard. This paragraph does not affect

Rep. Clarke moved the adoption of the amendment to the amendment, which was adopted.

The question recurred on the adoption of **Amendment 1**, as amended, which was adopted.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

HB 2013—A bill to be entitled An act relating to public records; amending s. 440.125, F.S.; creating a public records exemption for medical records and medical reports of an injured employee and an injured employee's identifying information contained in medical bills provided to the Agency for Health Care Administration and the Department of Education; providing exceptions; providing for future review and repeal; providing a statement of public necessity; providing a contingent effective date.

—was read the second time by title and, under Rule 10.13(b), referred to the Engrossing Clerk.

CS/HB 807—A bill to be entitled An act relating to the Florida Retirement System; amending ss. 121.052, 121.055, and 121.071, F.S.; making the date for payment of retirement contributions consistent under the Florida Retirement System defined benefit and defined contribution programs; amending s. 121.4501, F.S., relating to the Public Employee Optional Retirement Program; updating definitions; establishing dates on which present value calculations are based; conforming election provisions for local government employees to provisions applicable to other employees; providing for the effective date of enrollment for certain employers; providing for the transfer of contributions in certain circumstances; transferring certain provisions relating to payment of benefits to s. 121.591, F.S., as created in the act; amending s. 121.571, F.S., relating to employer contributions to the Public Employee Optional Retirement Program; adjusting rates; making the date for payment of retirement contributions consistent under the Florida Retirement System defined benefit and defined contribution programs; creating s. 121.591, F.S., relating to benefits payable under the Public Employee Optional Retirement Program; providing for payment of the normal benefit upon termination; providing for disability retirement benefits; providing for transfer of certain funds; specifying eligibility requirements; providing procedure and required documentation; providing for computation of the disability benefit; providing for reapplication; providing for membership; providing an option to cancel; providing for reexamination and other matters relating to recovery from disability; providing nonadmissible causes of disability; providing for disability retirement of justices or judges; providing for payment of death benefits; providing for spousal notification in certain cases; updating death benefit distribution provisions to conform to recent changes in federal law; providing protection of benefits from assignment, execution, etc.; amending s. 110.123, F.S.; revising language with respect to the state group insurance program; revising a definition; deleting language with respect to participation in the plan by retirees; amending s. 110.205, F.S.; granting Senior Management Service benefits to county health department directors and administrators; amending s. 121.35, F.S.; allowing rollovers into the optional retirement programs; expanding the methods of disbursement of benefits; providing a declaration of important state interest; providing an effective date.

—was read the second time by title.

Representative(s) Mahon offered the following:

(Amendment Bar Code: 090501)

Amendment 1 (with title amendment)—On page 2, line 31, of the bill

insert:

Section 1. Paragraphs (e) and (h) of subsection (1) of section 121.055, Florida Statutes, are amended to read:

121.055 Senior Management Service Class.—There is hereby established a separate class of membership within the Florida Retirement System to be known as the "Senior Management Service Class," which shall become effective February 1, 1987.

(1)

(e) Effective January 1, 1991, participation in the Senior Management Service Class shall be compulsory for the number of senior managers who have policymaking authority with the State Board of Administration, as determined by the Governor, *Chief Financial Officer* ~~Treasurer~~, and *Attorney General* ~~Comptroller~~ acting as the State Board of Administration, unless such member elects to participate in the Senior Management Service Optional Annuity Program as established in subsection (6) in lieu of participation in the Senior Management Service Class. Such election shall be made in writing and filed with the division and the personnel officer of the State Board of Administration within 90 days after becoming eligible for membership in the Senior Management Service Class.

(h)1. Except as provided in subparagraph 3., effective January 1, 1994, participation in the Senior Management Service Class shall be compulsory for the State Courts Administrator and the Deputy State Courts Administrators, the Clerk of the Supreme Court, the Marshal of the Supreme Court, the Executive Director of the Justice Administrative Commission, the Capital Collateral Regional Counsels, the clerks of the district courts of appeals, the marshals of the district courts of appeals, ~~and~~ the trial court administrator*, and the Chief Deputy Court Administrator* in each judicial circuit. Effective January 1, 1994, additional positions in the offices of the state attorney and public defender in each judicial circuit may be designated for inclusion in the Senior Management Service Class of the Florida Retirement System, provided that:

a. Positions to be included in the class shall be designated by the state attorney or public defender, as appropriate. Notice of intent to designate positions for inclusion in the class shall be published once a week for 2 consecutive weeks in a newspaper of general circulation published in the county or counties affected, as provided in chapter 50.

b. One nonelective full-time position may be designated for each state attorney and public defender reporting to the Department of Management Services; for agencies with 200 or more regularly established positions under the state attorney or public defender, additional nonelective full-time positions may be designated, not to exceed 0.5 percent of the regularly established positions within the agency.

c. Each position added to the class must be a managerial or policymaking position filled by an employee who serves at the pleasure of the state attorney or public defender without civil service protection, and who:

(I) Heads an organizational unit; or

(II) Has responsibility to effect or recommend personnel, budget, expenditure, or policy decisions in his or her areas of responsibility.

2. Participation in this class shall be compulsory, except as provided in subparagraph 3., for any judicial employee who holds a position designated for coverage in the Senior Management Service Class, and such participation shall continue until the employee terminates employment in a covered position. Effective January 1, 2001, participation in this class is compulsory for assistant state attorneys, assistant statewide prosecutors, assistant public defenders, and assistant capital collateral regional counsels. Effective January 1, 2002, participation in this class is compulsory for assistant attorneys general.

3. In lieu of participation in the Senior Management Service Class, such members, excluding assistant state attorneys, assistant public defenders, assistant statewide prosecutors, assistant attorneys general, and assistant capital collateral regional counsels, may participate in the Senior Management Service Optional Annuity Program as established in subsection (6).

And the title is amended as follows:

On page 1, line 3, after the semicolon

insert: amending s. 121.055, F.S.; correcting reference to the membership of the State Board of Administration; including reference to the Chief Deputy Court Administrator with respect to compulsory membership in the Senior Management Service Class;

Rep. Mahon moved the adoption of the amendment.

Representative(s) Mahon offered the following:

(Amendment Bar Code: 071633)

Substitute Amendment 1 (with title amendment)—On page 2, line 31, of the bill

insert:

Section 1. Paragraph (h) of subsection (1) of section 121.055, Florida Statutes, is amended to read:

121.055 Senior Management Service Class.—There is hereby established a separate class of membership within the Florida Retirement System to be known as the "Senior Management Service Class," which shall become effective February 1, 1987.

(1)

(h)1. Except as provided in subparagraph 3., effective January 1, 1994, participation in the Senior Management Service Class shall be compulsory for the State Courts Administrator and the Deputy State Courts Administrators, the Clerk of the Supreme Court, the Marshal of the Supreme Court, the Executive Director of the Justice Administrative Commission, the Capital Collateral Regional Counsels, the clerks of the district courts of appeals, the marshals of the district courts of appeals, ~~and~~ the trial court administrator*, and the Chief Deputy Court Administrator* in each judicial circuit. Effective January 1, 1994, additional positions in the offices of the state attorney and public defender in each judicial circuit may be designated for inclusion in the Senior Management Service Class of the Florida Retirement System, provided that:

a. Positions to be included in the class shall be designated by the state attorney or public defender, as appropriate. Notice of intent to designate positions for inclusion in the class shall be published once a week for 2 consecutive weeks in a newspaper of general circulation published in the county or counties affected, as provided in chapter 50.

b. One nonelective full-time position may be designated for each state attorney and public defender reporting to the Department of Management Services; for agencies with 200 or more regularly established positions under the state attorney or public defender, additional nonelective full-time positions may be designated, not to exceed 0.5 percent of the regularly established positions within the agency.

c. Each position added to the class must be a managerial or policymaking position filled by an employee who serves at the pleasure of the state attorney or public defender without civil service protection, and who:

(I) Heads an organizational unit; or

(II) Has responsibility to effect or recommend personnel, budget, expenditure, or policy decisions in his or her areas of responsibility.

2. Participation in this class shall be compulsory, except as provided in subparagraph 3., for any judicial employee who holds a position designated for coverage in the Senior Management Service Class, and such participation shall continue until the employee terminates employment in a covered position. Effective January 1, 2001, participation in this class is compulsory for assistant state attorneys, assistant statewide prosecutors, assistant public defenders, and assistant capital collateral regional counsels. Effective January 1, 2002, participation in this class is compulsory for assistant attorneys general.

3. In lieu of participation in the Senior Management Service Class, such members, excluding assistant state attorneys, assistant public defenders, assistant statewide prosecutors, assistant attorneys general, and assistant capital collateral regional counsels, may participate in the Senior Management Service Optional Annuity Program as established in subsection (6).

And the title is amended as follows:

On page 1, line 3, after the semicolon

insert: amending s. 121.055, F.S.; including reference to the Chief Deputy Court Administrator with respect to compulsory membership in the Senior Management Service Class;

Rep. Mahon moved the adoption of the substitute amendment, which was adopted.

Representative(s) Hogan and Mahon offered the following:

(Amendment Bar Code: 330693)

Amendment 2 (with title amendment)—On page 2, line 31, of the bill

insert:

Section 1. Paragraph (d) of subsection (2) of section 121.052, Florida Statutes, is amended to read:

121.052 Membership class of elected officers.—

(2) MEMBERSHIP.—The following holders of elective office, hereinafter referred to as "elected officers," whether assuming elective office by election, reelection, or appointment, are members of the Elected Officers' Class, except as provided in subsection (3):

(d) Any constitutional county elected officer assuming office on or after July 1, 1981, including any sheriff, tax collector, property appraiser, supervisor of elections, clerk of the circuit court, county commissioner, school board member, or elected school board superintendent, or any elected officer of any entity with countywide jurisdiction assuming office on or after July 1, 1981, who, pursuant to general or special law, exercises powers and duties that, but for such general or special law, would be exercised by any of the constitutional county elected officers set forth in this paragraph*, including the sheriff and clerk of the circuit court in a consolidated government with countywide jurisdiction unless such sheriff or clerk elected to continue to participate in a local retirement system*.

And the title is amended as follows:

On page 1, line 3, after the semicolon

insert: amending s. 121.052, F.S.; revising the membership requirements of the Elected Officers' Class of the system to include certain sheriffs and clerks of the circuit court;

Rep. Hogan moved the adoption of the amendment, which was adopted.

Representative(s) Fasano offered the following:

(Amendment Bar Code: 353847)

Amendment 3 (with title amendment)—On page 2, line 31,

insert:

Section 1. Paragraph (b) of subsection (9) of section 121.091, Florida Statutes, is amended to read:

121.091 Benefits payable under the system.—Benefits may not be paid under this section unless the member has terminated employment as provided in s. 121.021(39)(a) or begun participation in the Deferred Retirement Option Program as provided in subsection (13), and a proper application has been filed in the manner prescribed by the department. The department may cancel an application for retirement benefits when the member or beneficiary fails to timely provide the information and documents required by this chapter and the department's rules. The department shall adopt rules establishing procedures for application for

retirement benefits and for the cancellation of such application when the required information or documents are not received.

(9) EMPLOYMENT AFTER RETIREMENT; LIMITATION.—

(b)1. Any person who is retired under this chapter, except under the disability retirement provisions of subsection (4), may be reemployed by any private or public employer after retirement and receive retirement benefits and compensation from his or her employer without any limitations, except that a person may not receive both a salary from reemployment with any agency participating in the Florida Retirement System and retirement benefits under this chapter for a period of 12 months immediately subsequent to the date of retirement. However, a DROP participant shall continue employment and receive a salary during the period of participation in the Deferred Retirement Option Program, as provided in subsection (13).

2. Any person to whom the limitation in subparagraph 1. applies who violates such reemployment limitation and who is reemployed with any agency participating in the Florida Retirement System before completion of the 12-month limitation period shall give timely notice of this fact in writing to the employer and to the division and shall have his or her retirement benefits suspended for the balance of the 12-month limitation period. Any person employed in violation of this paragraph and any employing agency which knowingly employs or appoints such person without notifying the Division of Retirement to suspend retirement benefits shall be jointly and severally liable for reimbursement to the retirement trust fund of any benefits paid during the reemployment limitation period. To avoid liability, such employing agency shall have a written statement from the retiree that he or she is not retired from a state-administered retirement system. Any retirement benefits received while reemployed during this reemployment limitation period shall be repaid to the retirement trust fund, and retirement benefits shall remain suspended until such repayment has been made. Benefits suspended beyond the reemployment limitation shall apply toward repayment of benefits received in violation of the reemployment limitation.

3. A district school board may reemploy a retired member as a substitute or hourly teacher, education paraprofessional, transportation assistant, bus driver, or food service worker on a noncontractual basis after he or she has been retired for 1 calendar month, in accordance with s. 121.021(39). Any retired member who is reemployed within 1 calendar month after retirement shall void his or her application for retirement benefits. District school boards reemploying such teachers, education paraprofessionals, transportation assistants, bus drivers, or food service workers are subject to the retirement contribution required by subparagraph 7. Reemployment of a retired member as a substitute or hourly teacher, education paraprofessional, transportation assistant, bus driver, or food service worker is limited to 780 hours during the first 12 months of his or her retirement. Any retired member reemployed for more than 780 hours during his or her first 12 months of retirement shall give timely notice in writing to the employer and to the division of the date he or she will exceed the limitation. The division shall suspend his or her retirement benefits for the remainder of the first 12 months of retirement. Any person employed in violation of this subparagraph and any employing agency which knowingly employs or appoints such person without notifying the Division of Retirement to suspend retirement benefits shall be jointly and severally liable for reimbursement to the retirement trust fund of any benefits paid during the reemployment limitation period. To avoid liability, such employing agency shall have a written statement from the retiree that he or she is not retired from a state-administered retirement system. Any retirement benefits received by a retired member while reemployed in excess of 780 hours during the first 12 months of retirement shall be repaid to the Retirement System Trust Fund, and his or her retirement benefits shall remain suspended until repayment is made. Benefits suspended beyond the end of the retired member's first 12 months of retirement shall apply toward repayment of benefits received in violation of the 780-hour reemployment limitation.

4. A community college board of trustees may reemploy a retired member as an adjunct instructor, that is, an instructor who is noncontractual and part-time, or as a participant in a phased retirement program within the Florida Community College System, after he or she has been retired for 1 calendar month, in accordance with s. 121.021(39). Any retired member who is reemployed within 1 calendar month after retirement shall void his or her application for retirement benefits. Boards of trustees reemploying such instructors are subject to the retirement contribution required in subparagraph 7. A retired member may be reemployed as an adjunct instructor for no more than 780 hours during the first 12 months of retirement. Any retired member reemployed for more than 780 hours during the first 12 months of retirement shall give timely notice in writing to the employer and to the division of the date he or she will exceed the limitation. The division shall suspend his or her retirement benefits for the remainder of the first 12 months of retirement. Any person employed in violation of this subparagraph and any employing agency which knowingly employs or appoints such person without notifying the Division of Retirement to suspend retirement benefits shall be jointly and severally liable for reimbursement to the retirement trust fund of any benefits paid during the reemployment limitation period. To avoid liability, such employing agency shall have a written statement from the retiree that he or she is not retired from a state-administered retirement system. Any retirement benefits received by a retired member while reemployed in excess of 780 hours during the first 12 months of retirement shall be repaid to the Retirement System Trust Fund, and retirement benefits shall remain suspended until repayment is made. Benefits suspended beyond the end of the retired member's first 12 months of retirement shall apply toward repayment of benefits received in violation of the 780-hour reemployment limitation.

5. The State University System may reemploy a retired member as an adjunct faculty member or as a participant in a phased retirement program within the State University System after the retired member has been retired for 1 calendar month, in accordance with s. 121.021(39). Any retired member who is reemployed within 1 calendar month after retirement shall void his or her application for retirement benefits. The State University System is subject to the retired contribution required in subparagraph 7., as appropriate. A retired member may be reemployed as an adjunct faculty member or a participant in a phased retirement program for no more than 780 hours during the first 12 months of his or her retirement. Any retired member reemployed for more than 780 hours during the first 12 months of retirement shall give timely notice in writing to the employer and to the division of the date he or she will exceed the limitation. The division shall suspend his or her retirement benefits for the remainder of the first 12 months of retirement. Any person employed in violation of this subparagraph and any employing agency which knowingly employs or appoints such person without notifying the Division of Retirement to suspend retirement benefits shall be jointly and severally liable for reimbursement to the retirement trust fund of any benefits paid during the reemployment limitation period. To avoid liability, such employing agency shall have a written statement from the retiree that he or she is not retired from a state-administered retirement system. Any retirement benefits received by a retired member while reemployed in excess of 780 hours during the first 12 months of retirement shall be repaid to the Retirement System Trust Fund, and retirement benefits shall remain suspended until repayment is made. Benefits suspended beyond the end of the retired member's first 12 months of retirement shall apply toward repayment of benefits received in violation of the 780-hour reemployment limitation.

6. The Board of Trustees of the Florida School for the Deaf and the Blind may reemploy a retired member as a substitute teacher, substitute residential instructor, or substitute nurse on a noncontractual basis after he or she has been retired for 1 calendar month, in accordance with s. 121.021(39). Any retired member who is reemployed within 1 calendar month after retirement shall void his or her application for retirement benefits. The Board of Trustees of the Florida School for the Deaf and the Blind reemploying such teachers, residential instructors, or nurses is subject to the retirement contribution required by subparagraph 7. Reemployment of a retired member as a substitute teacher, substitute residential instructor, or substitute nurse is limited to 780 hours during the first 12 months of his

or her retirement. Any retired member reemployed for more than 780 hours during the first 12 months of retirement shall give timely notice in writing to the employer and to the division of the date he or she will exceed the limitation. The division shall suspend his or her retirement benefits for the remainder of the first 12 months of retirement. Any person employed in violation of this subparagraph and any employing agency which knowingly employs or appoints such person without notifying the Division of Retirement to suspend retirement benefits shall be jointly and severally liable for reimbursement to the retirement trust fund of any benefits paid during the reemployment limitation period. To avoid liability, such employing agency shall have a written statement from the retiree that he or she is not retired from a state-administered retirement system. Any retirement benefits received by a retired member while reemployed in excess of 780 hours during the first 12 months of retirement shall be repaid to the Retirement System Trust Fund, and his or her retirement benefits shall remain suspended until payment is made. Benefits suspended beyond the end of the retired member's first 12 months of retirement shall apply toward repayment of benefits received in violation of the 780-hour reemployment limitation.

7. The employment by an employer of any retiree or DROP participant of any state-administered retirement system shall have no effect on the average final compensation or years of creditable service of the retiree or DROP participant. Prior to July 1, 1991, upon employment of any person, other than an elected officer as provided in s. 121.053, who has been retired under any state-administered retirement program, the employer shall pay retirement contributions in an amount equal to the unfunded actuarial liability portion of the employer contribution which would be required for regular members of the Florida Retirement System. Effective July 1, 1991, contributions shall be made as provided in s. 121.122 for retirees with renewed membership or subsection (13) with respect to DROP participants.

8. Any person who has previously retired and who is holding an elective public office or an appointment to an elective public office eligible for the Elected Officers' Class on or after July 1, 1990, shall be enrolled in the Florida Retirement System as provided in s. 121.053(1)(b) or, if holding an elective public office that does not qualify for the Elected Officers' Class on or after July 1, 1991, shall be enrolled in the Florida Retirement System as provided in s. 121.122, and shall continue to receive retirement benefits as well as compensation for the elected officer's service for as long as he or she remains in elective office. However, any retired member who served in an elective office prior to July 1, 1990, suspended his or her retirement benefit, and had his or her Florida Retirement System membership reinstated shall, upon retirement from such office, have his or her retirement benefit recalculated to include the additional service and compensation earned.

9. Any person who is holding an elective public office which is covered by the Florida Retirement System and who is concurrently employed in nonelected covered employment may elect to retire while continuing employment in the elective public office, provided that he or she shall be required to terminate his or her nonelected covered employment. Any person who exercises this election shall receive his or her retirement benefits in addition to the compensation of the elective office without regard to the time limitations otherwise provided in this subsection. No person who seeks to exercise the provisions of this subparagraph, as the same existed prior to May 3, 1984, shall be deemed to be retired under those provisions, unless such person is eligible to retire under the provisions of this subparagraph, as amended by chapter 84-11, Laws of Florida.

10. The limitations of this paragraph apply to reemployment in any capacity with an "employer" as defined in s. 121.021(10), irrespective of the category of funds from which the person is compensated.

11. An employing agency may reemploy a retired member as a firefighter or paramedic on a contractual basis after the retired member has been retired for 1 calendar month, in accordance with s. 121.021(39). Any retired member who is reemployed within 1 calendar month after retirement shall void his or her application for retirement benefits. The employing agency reemploying such firefighter or paramedic is subject to the retired contribution required in subparagraph 8. Reemployment of a retired firefighter or paramedic is limited to no more than 780 hours during the first 12 months of his or her retirement. Any retired member reemployed for more than 780 hours during the first 12 months of retirement shall give timely notice in writing to the employer and to the division of the date he or she will exceed the limitation. The division shall suspend his or her retirement benefits for the remainder of the first 12 months of retirement. Any person employed in violation of this subparagraph and any employing agency which knowingly employs or appoints such person without notifying the Division of Retirement to suspend retirement benefits shall be jointly and severally liable for reimbursement to the Retirement System Trust Fund of any benefits paid during the reemployment limitation period. To avoid liability, such employing agency shall have a written statement from the retiree that he or she is not retired from a state-administered retirement system. Any retirement benefits received by a retired member while reemployed in excess of 780 hours during the first 12 months of retirement shall be repaid to the Retirement System Trust Fund, and retirement benefits shall remain suspended until repayment is made. Benefits suspended beyond the end of the retired member's first 12 months of retirement shall apply toward repayment of benefits received in violation of the 780-hour reemployment limitation.

And the title is amended as follows:

On page 1, line 3, after "System;"

insert: amending s. 121.091, F.S.; revising language with respect to reemployment of certain retired members of the Florida Retirement System;

Rep. Fasano moved the adoption of the amendment, which was adopted.

Representative(s) Fasano offered the following:

(Amendment Bar Code: 542317)

Amendment 4 (with title amendment)—On page 2, line 31,

insert:

Section 1. Paragraph (b) of subsection (2) of section 121.0515, Florida Statutes, is amended to read:

121.0515 Special risk membership.—

(2) CRITERIA.—A member, to be designated as a special risk member, must meet the following criteria:

(b) The member must be employed as a firefighter and be certified, or required to be certified, in compliance with s. 633.35 and be employed solely within the fire department of a local government employer or an agency of state government with firefighting responsibilities. In addition, the member's duties and responsibilities must include on-the-scene fighting of fires, fire prevention, or firefighter training; direct supervision of firefighting units, fire prevention, or firefighter training; or aerial firefighting surveillance performed by fixed-wing aircraft pilots employed by the Division of Forestry of the Department of Agriculture and Consumer Services; or the member must be the supervisor or command officer of a member or members who have such responsibilities; provided, however, administrative support personnel, including, but not limited to, those whose primary duties and responsibilities are in accounting, purchasing, legal, and personnel, shall not be included; *and further provided that all periods of creditable service in fire prevention or firefighter training, or as the supervisor or command officer of a member or members who have such responsibilities, shall be included;*

And the title is amended as follows:

On page 1, line 3, after "System;"

insert: amending s. 121.0515, F.S.; revising language with respect to special risk membership in the system; including certain periods of service in special risk;

Rep. Fasano moved the adoption of the amendment.

On motion by Rep. Fasano, under Rule 12.2(c), the following late-filed substitute amendment was considered.

Representative(s) Fasano offered the following:

(Amendment Bar Code: 731315)

Substitute Amendment 4 (with title amendment)—On page 2, line 31,

insert:

Section 1. Paragraph (b) of subsection (2) of section 121.0515, Florida Statutes, is amended to read:

121.0515 Special risk membership.—

(2) CRITERIA.—A member, to be designated as a special risk member, must meet the following criteria:

(b) The member must be employed as a firefighter and be certified, or required to be certified, in compliance with s. 633.35 and be employed solely within the fire department of a local government employer or an agency of state government with firefighting responsibilities. In addition, the member's duties and responsibilities must include on-the-scene fighting of fires, fire prevention, or firefighter training; direct supervision of firefighting units, fire prevention, or firefighter training; or aerial firefighting surveillance performed by fixed-wing aircraft pilots employed by the Division of Forestry of the Department of Agriculture and Consumer Services; or the member must be the supervisor or command officer of a member or members who have such responsibilities; provided, however, administrative support personnel, including, but not limited to, those whose primary duties and responsibilities are in accounting, purchasing, legal, and personnel, shall not be included; *and further provided that all periods of creditable service in fire prevention or firefighter training, or as the supervisor or command officer of a member or members who have such responsibilities, and for which the employer paid the special risk contribution rate, shall be included.*

And the title is amended as follows:

On page 1, line 3, after "System;"

insert: amending s. 121.0515, F.S.; revising language with respect to special risk membership in the system; including certain periods of service in special risk;

Rep. Fasano moved the adoption of the substitute amendment, which was adopted.

Representative(s) Lacasa offered the following:

(Amendment Bar Code: 605245)

Amendment 5 (with title amendment)—On page 2, line 31 of the bill

insert:

Section 1. Paragraph (k) is added to subsection (1) of section 121.055, Florida Statutes, to read:

121.055 Senior Management Service Class.—There is hereby established a separate class of membership within the Florida Retirement System to be known as the "Senior Management Service Class," which shall become effective February 1, 1987.

(1)

(k) Any state attorney or public defender in the Elected Officers' Class who has creditable service as an assistant state attorney or assistant public defender may upgrade retirement credit for such service in accordance with the provisions of paragraph (j).

And the title is amended as follows:

On page 1, line 3, after the semicolon

and insert: amending s. 121.055, F.S.; allowing an elected state attorney or public defender to upgrade retirement credit for service as an assistant state attorney or assistant public defender;

Rep. Lacasa moved the adoption of the amendment, which was adopted.

Representative(s) Fasano offered the following:

(Amendment Bar Code: 974345)

Amendment 6 (with title amendment)—On page 2, line 31,

insert:

Section 1. Paragraph (b) of subsection (1) of section 121.053, Florida Statutes, is amended to read:

121.053 Participation in the Elected Officers' Class for retired members.—

(1)

(b) Any retired member of the Florida Retirement System, or any existing system as defined in s. 121.021(2), who, on or after July 1, 1990, is serving in, or is elected or appointed to, an elective office covered by the Elected Officers' Class shall be enrolled in the appropriate subclass of the Elected Officers' Class of the Florida Retirement System, and applicable contributions shall be paid into the Florida Retirement System Trust Fund as provided in s. 121.052(7). Pursuant thereto:

1. Any such retired member shall be eligible to continue to receive retirement benefits as well as compensation for the elected officer service for as long as he or she remains in an elective office covered by the Elected Officers' Class.

2. If any such member serves in an elective office covered by the Elected Officers' Class and becomes vested under that class, he or she shall be entitled to receive an additional retirement benefit for such elected officer service.

3. Such member shall be entitled to purchase additional retirement credit in the Elected Officers' Class for any postretirement service performed in an elected position eligible for the Elected Officers' Class prior to July 1, 1990, or in the Regular Class for any postretirement service performed in any other regularly established position prior to July 1, 1991, by paying the applicable Elected Officers' Class or Regular Class employee and employer contributions for the period being claimed, plus 4 percent interest compounded annually from the first year of service claimed until July 1, 1975, and 6.5 percent interest compounded thereafter, until full payment is made to the Florida Retirement System Trust Fund. The contribution for postretirement Regular Class service between July 1, 1985, and July 1, 1991, for which the reemployed retiree contribution was paid, shall be the difference between such contribution and the total applicable contribution for the period being claimed, plus interest. The employer of such member may pay the applicable employer contribution in lieu of the member. If a member does not wish to claim credit for all of the postretirement service for which he or she is eligible, the service the member claims must be the most recent service.

4. Creditable service for which credit was received, or which remained unclaimed, at retirement may not be claimed or applied toward service credit earned following renewed membership. However, service earned in accordance with the renewed membership provisions in s. 121.122 may be used in conjunction with creditable service earned under this paragraph, provided applicable vesting requirements and other existing statutory conditions required by this chapter are met.

5. *An elected officer who is elected or appointed to an elective office and is participating in the Deferred Retirement Option Program is not subject to termination as provided in s. 121.021(39)(b), or reemployment limitations as provided in s. 121.091(9), until the end of his or her current term of office or, if the officer is consecutively elected or reelected to an elective office eligible for coverage under the Florida Retirement System, until he or she no longer holds such an elective office, as follows:*

a. At the end of the 60-month DROP period:

(I) The officer's DROP account shall accrue no additional monthly benefits, but shall continue to earn interest as provided in s. 121.091(13).

(II) No retirement contributions shall be required of the employer of the elected officer and no additional retirement credit shall be earned under the Florida Retirement System.

b. Nothing herein shall prevent an elected officer from voluntarily terminating his or her elective office at any time and electing to receive his or her DROP proceeds. However, until termination requirements are fulfilled as provided in s. 121.021(39), any elected officer whose termination limitations are extended by this section shall be ineligible for renewed membership in the system and shall receive no pension payments, DROP lump sum payments, or any other state payment other than the statutorily determined salary, travel, and per diem for the elective office.

c. Upon termination, the officer shall receive his or her accumulated DROP account, plus interest, and shall accrue and commence receiving monthly retirement benefits, which shall be paid on a prospective basis only.

However, an officer electing to participate in the Deferred Retirement Option Program on or before June 30, 2002, shall not be required to terminate and shall remain subject to the provisions of this subparagraph as adopted in section 1 of chapter 2001-235, Laws of Florida ~~Any elected officer who is a participating member of DROP may terminate participation at any time during the 60-month DROP participation period and elect to enroll in the appropriate subclass of the Elected Officers' Class, including participating in the Senior Management Service Class, effective the first day of the following month~~.

Section 2. Paragraph (b) of subsection (13) of section 121.091, Florida Statutes, is amended to read:

121.091 Benefits payable under the system.—Benefits may not be paid under this section unless the member has terminated employment as provided in s. 121.021(39)(a) or begun participation in the Deferred Retirement Option Program as provided in subsection (13), and a proper application has been filed in the manner prescribed by the department. The department may cancel an application for retirement benefits when the member or beneficiary fails to timely provide the information and documents required by this chapter and the department's rules. The department shall adopt rules establishing procedures for application for retirement benefits and for the cancellation of such application when the required information or documents are not received.

(13) DEFERRED RETIREMENT OPTION PROGRAM.—In general, and subject to the provisions of this section, the Deferred Retirement Option Program, hereinafter referred to as the DROP, is a program under which an eligible member of the Florida Retirement System may elect to participate, deferring receipt of retirement benefits while continuing employment with his or her Florida Retirement System employer. The deferred monthly benefits shall accrue in the System Trust Fund on behalf of the participant, plus interest compounded monthly, for the specified period of the DROP participation, as provided in paragraph (c). Upon termination of employment, the participant shall receive the total DROP benefits and begin to receive the previously determined normal retirement benefits. Participation in the DROP does not guarantee employment for the specified period of DROP.

(b) Participation in the DROP.—

1. An eligible member may elect to participate in the DROP for a period not to exceed a maximum of 60 calendar months immediately following the date on which the member first reaches his or her normal retirement date or the date to which he or she is eligible to defer his or her election to participate as provided in subparagraph (a)2. However, a member who has reached normal retirement date prior to the effective date of the DROP shall be eligible to participate in the DROP for a period of time not to exceed 60 calendar months immediately following the effective date of the DROP, except a member of the Special Risk Class who has reached normal retirement date prior to the effective date of the DROP and whose total accrued value exceeds 75 percent of average final compensation as of his or her effective date of retirement shall be eligible to participate in the DROP for no more than 36 calendar months immediately following the effective date of the DROP.

2. Upon deciding to participate in the DROP, the member shall submit, on forms required by the division:

a. A written election to participate in the DROP;

b. Selection of the DROP participation and termination dates, which satisfy the limitations stated in paragraph (a) and subparagraph 1. Such termination date shall be in a binding letter of resignation with the employer, establishing a deferred termination date. The member may change the termination date within the limitations of subparagraph 1., but only with the written approval of his or her employer;

c. A properly completed DROP application for service retirement as provided in this section; and

d. Any other information required by the division.

3. The DROP participant shall be a retiree under the Florida Retirement System for all purposes, except for paragraph (5)(f) and subsection (9) and ss. 112.3173, 112.363, 121.053, and 121.122. However, participation in the DROP does not alter the participant's employment status and such employee shall not be deemed retired from employment until his or her deferred resignation is effective and termination occurs as provided in s. 121.021(39).

4. Elected officers shall be eligible to participate in the DROP subject to the following:

a. An elected officer who reaches normal retirement date during a term of office may defer the election to participate in the DROP until the next succeeding term in that office. Such elected officer who exercises this option may participate in the DROP for up to 60 calendar months or a period of no longer than such succeeding term of office, whichever is less.

b. An elected or a nonelected participant may run for a term of office while participating in DROP and, if elected, extend the DROP termination date accordingly, except, however, if such additional term of office exceeds the 60-month limitation established in subparagraph 1., and the officer does not resign from office within such 60-month limitation, the retirement and the participant's DROP shall be null and void as provided in sub-subparagraph (c)5.d.

c. An elected officer who is dually employed and elects to participate in DROP shall be required to satisfy the definition of termination within the 60-month limitation period as provided in subparagraph 1. for the nonelected position and may continue employment as an elected officer as provided in s. 121.053. The elected officer will be enrolled as a renewed member in the Elected Officers' Class or the Regular Class, as provided in ss. 121.053 and 121.22, on the first day of the month after termination of employment in the nonelected position and termination of DROP. Distribution of the DROP benefits shall be made as provided in paragraph (c).

~~d. An elected officer who is elected or appointed to an elective office is not subject to termination limitations as provided in chapter 121.~~

And the title is amended as follows:

On page 1, line 3, after "System;"

insert: amending s. 121.053, F.S., relating to termination requirements and benefits of elected officers participating in the Deferred Retirement Option Program; amending s. 121.091, F.S., regarding Deferred Retirement Option Program termination requirements for elected officers;

Rep. Fasano moved the adoption of the amendment, which was adopted.

On motion by Rep. Fasano, under Rule 12.2(c), the following late-filed amendment was considered.

Representative(s) Fasano offered the following:

(Amendment Bar Code: 061227)

Amendment 7 (with title amendment)—On page 2, line 31 of the bill

insert:

Section 1. Subsection (9) of section 121.0515, Florida Statues, is amended to read:

121.0515 Special risk membership.—

(9) CREDIT FOR UPGRADED SERVICE.—*(a)* Any member of the Special Risk Class who has earned creditable service in another membership class of the Florida Retirement System as an emergency medical technician or paramedic, which service is within the purview of the Special Risk Class, may purchase additional retirement credit to upgrade such service to Special Risk Class service, to the extent of the percentages of the member's average final compensation provided in s. 121.091(1)(a)2. Contributions for upgrading such service to Special Risk Class credit under this subsection shall be equal to the difference in the contributions paid and the Special Risk Class contribution rate as a percentage of gross salary in effect for the period being claimed, plus interest thereon at the rate of 6.5 percent a year, compounded annually until the date of payment. This service credit may be purchased by the employer on behalf of the member.

(b) Any member of the Special Risk Class who has earned creditable service in another membership class of the Florida Retirement System whose responsibilities included fire prevention or firefighter training, which service is within the purview of the Special Risk Class, may purchase additional retirement credit to upgrade such service to Special Risk Class service, to the extent of the percentages of the member's average final compensation provided in s. 121.091(1)(a)2. Contributions for upgrading such service to Special Risk Class credit under this subsection shall be equal to the difference in the contributions paid and the Special Risk Class contribution rate as a percentage of gross salary in effect for the period being claimed, plus interest thereon at the rate of 6.5 percent a year, compounded annually until the date of payment. This service credit may be purchased by the employer on behalf of the member.

Section 2. *It is the intent of the Legislature that any additional cost attributable to the upgrade in the retirement benefits for special risk members who have provided fire prevention or firefighter training above the contributions paid at the time of service shall be funded by recognition of the necessary amount from the excess actuarial assets of the Florida Retirement System Trust Fund.*

And the title is amended as follows:

On page 1, line 3, after "System;"

insert: amending s. 121.0515, F.S.; permitting certain special risk members to upgrade service related to fire prevention and firefighter training duties; providing legislative intent;

Rep. Fasano moved the adoption of the amendment, which was adopted.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

HB 307—A bill to be entitled An act relating to student loans; creating s. 43.201, F.S.; providing for a financial assistance program administered by the Justice Administrative Commission to provide assistance to qualified assistant state attorneys and assistant public defenders for the repayment of government student loans; providing for the elements of the program; providing for funding; providing an effective date.

—was read the second time by title and, under Rule 10.13(b), referred to the Engrossing Clerk.

HB 1575—A bill to be entitled An act relating to the Florida Retirement System; creating s. 121.4503, F.S.; creating the Public Employee Optional Retirement Program Clearing Trust Fund, to be administered by the Department of Management Services as a retirement clearing trust fund not subject to termination pursuant to s. 19(f), Art. III of the State Constitution; providing for sources of moneys and purposes; providing for exemption from the general revenue service charges; providing an effective date.

—was read the second time by title.

The Committee on State Administration offered the following:

(Amendment Bar Code: 202723)

Amendment 1—
Remove everything after the enacting clause

and insert:

Section 1. Section 121.4503, Florida Statutes, is created to read:

121.4503 Public Employee Optional Retirement Program Clearing Trust Fund.—

(1) The Public Employee Optional Retirement Program Clearing Trust Fund is created as a clearing account for employer contributions for participants of the Public Employee Optional Retirement Program, in accordance with s. 401 of the Internal Revenue Code, and shall be administered by the Department of Management Services as trustee, and in accordance with the interagency agreement between the Department of Management Services and the State Board of Administration. Funds shall be credited to the trust fund as provided in s. 121.571, and shall be held in trust for the employers until such time as the assets are distributed by the department to the State Board of Administration and the third-party administrator, as appropriate, to be used for the purposes of this part. The trust fund is exempt from the service charges imposed by s. 215.20.

(2) The Public Employee Optional Retirement Program Clearing Trust Fund is a retirement clearing trust fund of the Florida Retirement System that accounts for retirement plan assets held by the state in a trustee capacity as a fiduciary for employers of participants in the Public Employee Optional Retirement Program and, pursuant to s. 19(f), Art. III of the State Constitution, is not subject to termination.

Section 2. *The Department of Management Services may adopt rules governing the receipt and disbursement of employer contributions in the Public Employee Optional Retirement Program Trust Fund.*

Section 3. This act shall take effect upon becoming a law.

Rep. Fasano moved the adoption of the amendment.

The Fiscal Responsibility Council offered the following:

(Amendment Bar Code: 281273)

Amendment 1 to Amendment 1—On page 2, line 15

after *Program* insert: *Clearing*

Rep. Fasano moved the adoption of the amendment to the amendment, which was adopted.

The question recurred on the adoption of **Amendment 1**, as amended, which was adopted.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

THE SPEAKER IN THE CHAIR

CS/HB 1767—A bill to be entitled An act relating to public records; creating s. 627.3111, F.S.; creating a public records exemption for bank account numbers, debit, charge, and credit card numbers, medical records, and personal identifying information contained in personal financial and health records held by the Department of Insurance; providing for exceptions to the exemption; providing for retroactive

application; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—was read the second time by title.

Representative(s) Allen offered the following:

(Amendment Bar Code: 523633)

Amendment 1 (with title amendment)—On page 1, line 19, through page 3, line 6,
remove: all said lines

and insert:

627.3111 Public records exemption.—All bank account numbers and debit, charge, and credit card numbers; and all other personal financial and health information of a consumer held by the Department of Insurance or its service providers or agents, relating to a consumer's complaint or inquiry regarding a matter or activity regulated under the Florida Insurance Code, are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. For the purpose of this section, the term "consumer" includes but is not limited to a prospective purchaser, purchaser, or beneficiary of, or applicant for, any product or service regulated under the Florida Insurance Code, and a family member or dependent of a consumer, a subscriber under a group policy, or a policyholder. This information shall be redacted from records that contain non-exempt information prior to disclosure. This exemption applies to information made confidential and exempt by this section held by the Department of Insurance or its service providers or agents before, on, or after the effective date of this exemption. Such confidential and exempt information may be disclosed to another governmental entity, if disclosure is necessary for the receiving entity to perform its duties and responsibilities, and may be disclosed to the National Association of Insurance Commissioners. The receiving governmental entity and the association must maintain the confidential and exempt status of such information. The information made confidential and exempt by this section may be used in a criminal, civil, or administrative proceeding so long as the confidential and exempt status of such information is maintained. This exemption does not include the name and address of an inquirer or complainant to the department or the name of an insurer or other regulated entity which is the subject of the inquiry of complaint. This section is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15 and shall stand repealed on October 2, 2007, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. *The Legislature finds that the public records exemption created by this act is a public necessity in order to protect an individual's sensitive financial and health information. Disclosure of bank account numbers and debit, charge, and credit card numbers would create the opportunity for theft or fraud thereby jeopardizing the financial security of an individual. Limiting disclosure of personal financial information held by the Department of Insurance or its service providers is also necessary in order to protect the financial interests of those persons to whom that information pertains. Such numbers and information could be used for fraudulent and other illegal purposes, including identity theft, and could result in substantial financial harm. Furthermore, every person has an expectation of and a right to privacy in all matters concerning his or her personal financial matters. The Legislature further finds that it is a public necessity that health information held by the department be made confidential and exempt because matters of personal health are traditionally private and confidential concerns between the patient and the health care provider. The private and confidential nature of personal health matters pervades both the public and private health care sectors. Moreover, public disclosure of health information could have*

And the title is amended as follows:

On page 1, lines 5, through 8,
remove: all said lines

and insert: charge, and credit card numbers and personal financial and health information held by the Department of Insurance;

Rep. Allen moved the adoption of the amendment, which was adopted.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

HB 205—A bill to be entitled An act relating to district courts of appeal; amending s. 35.01, F.S.; specifying minimum membership of district courts of appeal; providing construction and application; providing criteria for selecting judges to fill vacancies; requesting district courts of appeal judicial nominating commissions to adopt uniform rules of procedure; providing an effective date.

—was read the second time by title.

Representative(s) Sorensen offered the following:

(Amendment Bar Code: 025381)

Amendment 1—On page 1, line 19 through page 2, line 10,
remove: all of said lines

and insert: *Each district court of appeal shall have at least one judge appointed from each judicial circuit within the district who is a resident of the circuit at the time of the original appointment. This requirement is not applicable where the Judicial Nominating Commission for the district court of appeals has advertised a vacancy within an unrepresented circuit and no applications from qualified applicants are received from an unrepresented circuit.*

Section 2. *(1) This act shall not affect the term of any district court of appeal judge who is serving at the time of the effective date of this act or any district court of appeal judgeship which is vacant and awaiting filling by appointment by the Governor at the time of the effective date of this act. Any such judge may be reelected to as many successive terms of office for which the judge may qualify.*

(2)(a) Upon the retirement, death, removal, or expiration of the term of office without reelection of a judge of a district court of appeal, or upon the creation of an additional judgeship on a district court of appeal, for an appellate district for which there is a judicial circuit from which there is no judge then serving, such vacancy shall be filled only by a qualified resident from the geographical area of such unrepresented judicial circuit if applications are received from qualified applicants within the unrepresented circuit.

(b) If at the time of any vacancy on a district court of appeal there is more than one judicial circuit which is unrepresented by a judge on such district court of appeal, such vacancy shall be filled by a qualified resident of the judicial circuit having the lowest judicial circuit designation number if applications are received from qualified applicants within the unrepresented circuit.

Rep. Sorensen moved the adoption of the amendment, which was adopted.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

CS/HB 1119—A bill to be entitled An act relating to damage or destruction of agricultural products or production systems; amending s. 604.60, F.S.; revising provisions that provide a cause of civil action for the knowing and willful damage or destruction of agricultural crops to revise terminology and include damage or destruction to agricultural production systems; providing for allowable damages; providing an exemption from liability; providing an effective date.

—was read the second time by title.

Representative(s) Heyman, Kendrick, and Stansel offered the following:

(Amendment Bar Code: 082125)

Amendment 1 (with title amendment)—On page 2, lines 24-31,
remove: all of said lines

And the title is amended as follows:

On page 1, line 10,
remove: all of said line

and insert: damages;

Rep. Heyman moved the adoption of the amendment, which was adopted.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

CS/HB 1381—A bill to be entitled An act relating to timeshares; amending s. 721.111, F.S.; increasing the number of allowable promotional prizes that may be made available annually with respect to the offering or sale of timeshare interests; amending s. 721.13, F.S.; authorizing the managing entity of a timeshare to allocate net rental proceeds in any reasonable manner with respect to a specific timeshare under certain circumstances; authorizing the managing entity to rent certain units at a bulk rate; amending s. 721.15, F.S.; revising language with respect to assessments for common expenses; providing an effective date.

—was read the second time by title and, under Rule 10.13(b), referred to the Engrossing Clerk.

Moment of Silence

The House observed a moment of silence in memory of Rep. Gannon's mother, who passed away today.

CS/HB 1541—A bill to be entitled An act relating to liability under the drycleaning solvent cleanup program; amending s. 376.01, F.S.; defining the term "nearby real property owner"; amending s. 376.3078, F.S.; adding a statement of intent; exempting certain real property owners and others from claims for property damage arising from contamination by drycleaning solvents; amending s. 376.308, F.S.; revising provisions governing the statutory construction of immunity provisions; amending s. 376.313, F.S.; revising provisions governing immunity; amending s. 376.30781, F.S.; correcting a cross reference; providing an effective date.

—was read the second time by title.

Representative(s) Ross offered the following:

(Amendment Bar Code: 825909)

Amendment 1 (with title amendment)—
Remove everything after the enacting clause

and insert:

Section 1. Subsection (47) is added to section 376.301, Florida Statutes, to read:

376.301 Definitions of terms used in ss. 376.30-376.319, 376.70, and 376.75.—When used in ss. 376.30-376.319, 376.70, and 376.75, unless the context clearly requires otherwise, the term:

(47) "Nearby real property owner" means the individual or entity that is vested with ownership, dominion, or legal or rightful title to real property, or that has a ground lease in real property, onto which drycleaning solvent has migrated through soil or groundwater from a drycleaning or wholesale supply facility eligible for site rehabilitation under s. 376.3078(3) or from a drycleaning or wholesale supply facility that is approved by the department for voluntary cleanup pursuant to s. 376.3078(11).

Section 2. Subsections (1), (3), and (11) of section 376.3078, Florida Statutes, are amended to read:

376.3078 Drycleaning facility restoration; funds; uses; liability; recovery of expenditures.—

(1) FINDINGS.—In addition to the legislative findings set forth in s. 376.30, the Legislature finds and declares that:

(a) Significant quantities of drycleaning solvents have been discharged in the past at drycleaning facilities as part of the normal operation of these facilities.

(b) Discharges of drycleaning solvents at such drycleaning facilities have occurred and are occurring, and pose a significant threat to the quality of the groundwaters and inland surface waters of this state.

(c) Where contamination of the groundwater or surface water has occurred, remedial measures have often been delayed for long periods while determinations as to liability and the extent of liability are made, and such delays result in the continuation and intensification of the threat to the public health, safety, and welfare; in greater damage to the environment; and in significantly higher costs to contain and remove the contamination.

(d) Adequate financial resources must be readily available to provide for the expeditious supply of safe and reliable alternative sources of potable water to affected persons and to provide a means for investigation and rehabilitation of contaminated sites without delay.

(e) It is the intent of the Legislature to encourage real property owners to undertake the voluntary cleanup of property contaminated with drycleaning solvents and that the immunity provisions of this section and all other available defenses be construed in favor of real property owners.

(f) Strong public interests are served by the provisions of subsections (3) and (11) such as improving the marketability and use of, and ability to borrow funds as to, property contaminated by drycleaning solvents and encouraging the voluntary remediation of contaminated sites. The extent to which claims or rights are affected by subsections (3) and (11) is offset by the remedies created in this section and the limitations imposed by these subsections on such claims or rights are reasonable when balanced against the public interests served. The claims or right affected by subsections (3) and (11) are speculative and these subsections are intended to prevent judicial interpretations allowing windfall awards that thwart the public interest provisions of this section.

(3) REHABILITATION LIABILITY.—

(a) In accordance with the eligibility provisions of this section, no real property owner or *nearby real property owner or* ~~no~~ person who owns or operates, or who otherwise could be liable as a result of the operation of, a drycleaning facility or a wholesale supply facility shall be *liable for or* subject to*:*

1. Claims of any person, except for any governmental entity, for property damages of any kind, including, but not limited to, diminished value of real property or improvements, lost or delayed rent or sale or use of real property or improvements, or stigma to real property or improvements caused by drycleaning solvent contamination;

2. Administrative or judicial action brought by or on behalf of any state or local government or agency thereof or by or on behalf of any person to compel rehabilitation or pay for the costs of rehabilitation of environmental contamination resulting from the discharge of drycleaning solvents*; or*~~.~~

~~Subject to~~ The delays that may occur as a result of the prioritization of sites under this section for any qualified site, costs for activities described in paragraph (2)(b) shall be absorbed at the expense of the drycleaning facility restoration funds, without recourse to reimbursement or recovery from the real property owner*, nearby real property owner,* or the owner or operator of the drycleaning facility or the wholesale supply facility. *Notwithstanding any other provisions of chapter 376 to the contrary, the provisions of this subsection shall apply to causes of action accruing on or after the effective date of this act, and shall apply retroactively to causes of action accruing before the effective date of this act, for which no lawsuit has been filed.*

(b) The real property owner shall provide within 60 days after receiving a written request from the nearby real property owner delivered via certified mail and specifying a return address for receipt of documents:

1. An authentic copy of the department's order of eligibility for rehabilitation of the drycleaning solvent contamination, suitable for recordation in the public records of any county; and

2. A statement, either obtained from the department or prepared by the real property owner, that the real property owner's property contains a drycleaning facility or a wholesale-supply facility eligible for site rehabilitation as provided in this section and that contamination resulting from such facility, including any contamination which has migrated onto the nearby real property owner's property, will be cleaned up under the provisions of this section. The department shall prepare such statements when requested by the real property owner and shall assist the real property owner in providing such information to the nearby real property owner.

The real property owner's failure to provide the documents described in this paragraph within 60 days after a request from the nearby real property owner shall waive the real property owner's immunity described in subparagraph (a)1. only as to the nearby real property owner's claims described in subparagraph (a)1., if any.

(c)~~(a)~~ With regard to drycleaning facilities or wholesale supply facilities that have operated as drycleaning facilities or wholesale supply facilities on or after October 1, 1994, any such drycleaning facility or wholesale supply facility at which there exists contamination by drycleaning solvents shall be eligible under this subsection regardless of when the drycleaning contamination was discovered, provided that the drycleaning facility or the wholesale supply facility:

1. Has been registered with the department;

2. Is determined by the department to be in compliance with the department's rules regulating drycleaning solvents, drycleaning facilities, or wholesale supply facilities on or after November 19, 1980;

3. Has not been operated in a grossly negligent manner at any time on or after November 19, 1980;

4. Has not been identified to qualify for listing, nor is listed, on the National Priority List pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 as amended by the Superfund Amendments and Reauthorization Act of 1986, and as subsequently amended;

5. Is not under an order from the United States Environmental Protection Agency pursuant to s. 3008(h) of the Resource Conservation and Recovery Act as amended (42 U.S.C.A. s. 6928(h)), or has not obtained and is not required to obtain a permit for the operation of a hazardous waste treatment, storage, or disposal facility, a postclosure permit, or a permit pursuant to the federal Hazardous and Solid Waste Amendments of 1984;

and provided that the real property owner or the owner or operator of the drycleaning facility or the wholesale supply facility has not willfully concealed the discharge of drycleaning solvents and has remitted all taxes due pursuant to ss. 376.70 and 376.75, has provided documented evidence of contamination by drycleaning solvents as required by the rules developed pursuant to this section, has reported the contamination prior to December 31, 1998, and has not denied the department access to the site.

(d)~~(b)~~ With regard to drycleaning facilities or wholesale supply facilities that cease to be operated as drycleaning facilities or wholesale supply facilities prior to October 1, 1994, such facilities, at which there exists contamination by drycleaning solvents, shall be eligible under this subsection regardless of when the contamination was discovered, provided that the drycleaning facility or wholesale supply facility:

1. Was not determined by the department, within a reasonable time after the department's discovery, to have been out of compliance with the department rules regulating drycleaning solvents, drycleaning facilities, or wholesale supply facilities implemented at any time on or after November 19, 1980;

2. Was not operated in a grossly negligent manner at any time on or after November 19, 1980;

3. Has not been identified to qualify for listing, nor is listed, on the National Priority List pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986, and as subsequently amended; and

4. Is not under an order from the United States Environmental Protection Agency pursuant to s. 3008(h) of the Resource Conservation and Recovery Act, as amended, or has not obtained and is not required to obtain a permit for the operation of a hazardous waste treatment, storage, or disposal facility, a postclosure permit, or a permit pursuant to the federal Hazardous and Solid Waste Amendments of 1984;

and provided that the real property owner or the owner or operator of the drycleaning facility or the wholesale supply facility has not willfully concealed the discharge of drycleaning solvents, has provided documented evidence of contamination by drycleaning solvents as required by the rules developed pursuant to this section, has reported the contamination prior to December 31, 1998, and has not denied the department access to the site.

(e)~~(c)~~ For purposes of determining eligibility, a drycleaning facility or wholesale supply facility was operated in a grossly negligent manner if the department determines that the owner or operator of the drycleaning facility or the wholesale supply facility:

1. Willfully discharged drycleaning solvents onto the soils or into the waters of the state after November 19, 1980, with the knowledge, intent, and purpose that the discharge would result in harm to the environment or to public health or result in a violation of the law;

2. Willfully concealed a discharge of drycleaning solvents with the knowledge, intent, and purpose that the concealment would result in harm to the environment or to public health or result in a violation of the law; or

3. Willfully violated a local, state, or federal law or rule regulating the operation of drycleaning facilities or wholesale supply facilities with the knowledge, intent, and purpose that the act would result in harm to the environment or to public health or result in a violation of the law.

(f)~~(d)~~1. With respect to eligible drycleaning solvent contamination reported to the department as part of a completed application as required by the rules developed pursuant to this section by June 30, 1997, the costs of activities described in paragraph (2)(b) shall be absorbed at the expense of the drycleaning facility restoration funds, less a $1,000 deductible per incident, which shall be paid by the applicant or current property owner. The deductible shall be paid within 60 days after receipt of billing by the department.

2. For contamination reported to the department as part of a completed application as required by the rules developed under this section, from July 1, 1997, through September 30, 1998, the costs shall be absorbed at the expense of the drycleaning facility restoration funds, less a $5,000 deductible per incident. The deductible shall be paid within 60 days after receipt of billing by the department.

3. For contamination reported to the department as part of a completed application as required by the rules developed pursuant to this section from October 1, 1998, through December 31, 1998, the costs shall be absorbed at the expense of the drycleaning facility restoration funds, less a $10,000 deductible per incident. The deductible shall be paid within 60 days after receipt of billing by the department.

4. For contamination reported after December 31, 1998, no costs will be absorbed at the expense of the drycleaning facility restoration funds.

(g)~~(e)~~ The provisions of this subsection shall not apply to any site where the department has been denied site access to implement the provisions of this section.

(h)~~(f)~~ In order to identify those drycleaning facilities and wholesale supply facilities that have experienced contamination resulting from the discharge of drycleaning solvents and to ensure the most expedient rehabilitation of such sites, the owners and operators of drycleaning facilities and wholesale supply facilities are encouraged to detect and report contamination from drycleaning solvents related to the operation of drycleaning facilities and wholesale supply facilities. The department shall establish reasonable guidelines for the written reporting of

drycleaning contamination and shall distribute forms to registrants under s. 376.303(1)(d), and to other interested parties upon request, to be used for such purpose.

(i)~~(g)~~ A report of drycleaning solvent contamination at a drycleaning facility or wholesale supply facility made to the department by any person in accordance with this subsection, or any rules promulgated pursuant hereto, may not be used directly as evidence of liability for such discharge in any civil or criminal trial arising out of the discharge.

(j)~~(h)~~ The provisions of this subsection shall not apply to drycleaning facilities owned or operated by the state or Federal Government.

(k)~~(i)~~ Due to the value of Florida's potable water, it is the intent of the Legislature that the department initiate and facilitate as many cleanups as possible utilizing the resources of the state, local governments, and the private sector. The department is authorized to adopt necessary rules and enter into contracts to carry out the intent of this subsection and to limit or prevent future contamination from the operation of drycleaning facilities and wholesale supply facilities.

(l)~~(j)~~ It is not the intent of the Legislature that the state become the owner or operator of a drycleaning facility or wholesale supply facility by engaging in state-conducted cleanup.

(m)~~(k)~~ The owner, operator, and either the real property owner or agent of the real property owner may apply for the Drycleaning Contamination Cleanup Program by jointly submitting a completed application package to the department pursuant to the rules that shall be adopted by the department. If the application cannot be jointly submitted, then the applicant shall provide notice of the application to other interested parties. After reviewing the completed application package, the department shall notify the applicant in writing as to whether the drycleaning facility or wholesale supply facility is eligible for the program. If the department denies eligibility for a completed application package, the notice of denial shall specify the reasons for the denial, including specific and substantive findings of fact, and shall constitute agency action subject to the provisions of chapter 120. For the purposes of ss. 120.569 and 120.57, the real property owner and the owner and operator of a drycleaning facility or wholesale supply facility which is the subject of a decision by the department with regard to eligibility shall be deemed to be parties whose substantial interests are determined by the department's decision to approve or deny eligibility.

(n)~~(l)~~ Eligibility under this subsection applies to the drycleaning facility or wholesale supply facility*, and attendant site rehabilitation applies to such facilities and to any place where drycleaning solvent contamination migrating from the eligible facility is found to be located*. A determination of eligibility or ineligibility shall not be affected by any conveyance of the ownership of the drycleaning facility, wholesale supply facility, or the real property on which such facility is located. Nothing contained in this chapter shall be construed to allow a drycleaning facility or wholesale supply facility which would not be eligible under this subsection to become eligible as a result of the conveyance of the ownership of the ineligible drycleaning facility or wholesale supply facility to another owner.

(o)~~(m)~~ If funding for the drycleaning contamination rehabilitation program is eliminated, the provisions of this subsection shall not apply.

(p)~~(n)~~1. The department shall have the authority to cancel the eligibility of any drycleaning facility or wholesale supply facility that submits fraudulent information in the application package or that fails to continuously comply with the conditions of eligibility set forth in this subsection, or has not remitted all fees pursuant to s. 376.303(1)(d), or has not remitted the deductible payments pursuant to paragraph *(f)*~~(d)~~.

2. If the program eligibility of a drycleaning facility or wholesale supply facility is subject to cancellation pursuant to this section, then the department shall notify the applicant in writing of its intent to cancel program eligibility and shall state the reason or reasons for cancellation. The applicant shall have 45 days to resolve the reason or reasons for cancellation to the satisfaction of the department. If, after 45 days, the applicant has not resolved the reason or reasons for cancellation to the satisfaction of the department, the order of cancellation shall become final and shall be subject to the provisions of chapter 120.

(q)~~(o)~~ A real property owner shall not be subject to administrative or judicial action brought by or on behalf of any person or local or state government, or agency thereof, for gross negligence or violations of department rules prior to January 1, 1990, which resulted from the operation of a drycleaning facility, provided that the real property owner demonstrates that:

1. The real property owner had ownership in the property at the time of the gross negligence or violation of department rules and did not cause or contribute to contamination on the property;

2. The real property owner was a distinct and separate entity from the owner and operator of the drycleaning facility, and did not have an ownership interest in or share in the profits of the drycleaning facility;

3. The real property owner did not participate in the operation or management of the drycleaning facility;

4. The real property owner complied with all discharge reporting requirements, and did not conceal any contamination; and

5. The department has not been denied access.

The defense provided by this paragraph does not apply to any liability under a federally delegated program.

(r)~~(p)~~ A person whose property becomes contaminated due to geophysical or hydrologic reasons from the operation of a nearby drycleaning or wholesale supply facility and whose property has never been occupied by a business that utilized or stored drycleaning solvents or similar constituents is not subject to administrative or judicial action brought by or on behalf of another to compel the rehabilitation of or the payment of the costs for the rehabilitation of sites contaminated by drycleaning solvents, provided that the person:

1. Does not own and has never held an ownership interest in, or shared in the profits of, the drycleaning facility operated at the source location;

2. Did not participate in the operation or management of the drycleaning facility at the source location; and

3. Did not cause, contribute to, or exacerbate the release or threat of release of any hazardous substance through any act or omission.

The defense provided by this paragraph does not apply to any liability under a federally delegated program.

(s)~~(q)~~ Nothing in this subsection precludes the department from considering information and documentation provided by private consultants, local government programs, federal agencies, or any individual which is relevant to an eligibility determination if the department provides the applicant with reasonable access to the information and its origin.

(11) VOLUNTARY CLEANUP.—A real property owner is authorized to conduct site rehabilitation activities at any time pursuant to department rules, either through agents of the real property owner or through responsible response action contractors or subcontractors, whether or not the facility has been determined by the department to be eligible for the drycleaning solvent cleanup program. A real property owner or any other person *who* ~~that~~ conducts site rehabilitation may not seek cost recovery from the department or the Water Quality Assurance Trust Fund for any such rehabilitation activities. A real property owner *who* ~~that~~ voluntarily conducts such site rehabilitation, whether commenced before or on or after October 1, 1995, shall be immune from*, and shall have no liability for claims of any person, except for any governmental entity, for property damages of any kind, including, but not limited to, diminished value of real property or improvements, lost or delayed rent or sale or use of real property or improvements, or stigma to real property or improvements caused by drycleaning solvent contamination or administrative or judicial action brought by or on behalf of* ~~liability to~~ any person, state or local government, or agency

thereof to compel or enjoin site rehabilitation or pay for the cost of rehabilitation of environmental contamination, or to pay any fines or penalties regarding rehabilitation, as soon as the real property owner:

(a) Conducts contamination assessment and site rehabilitation consistent with state and federal laws and rules;

(b) Conducts such site rehabilitation in a timely manner according to a rehabilitation schedule approved by the department; and

(c) Does not deny the department access to the site. Upon completion of such site rehabilitation activities in accordance with the requirements of this subsection, the department shall render a site rehabilitation completion order.

The immunity set forth in this subsection shall also apply to any nearby real property owner. The real property owner shall provide upon request from any nearby real property owner all reasonably available documentation in the public records in reference to the drycleaning solvent contamination, including, but not limited to, copies of any soil or groundwater tests and site assessment reports, and a copy of the department's approved voluntary cleanup agreement. The department shall assist the real property owner to provide such documentation. This immunity shall continue to apply to any real property owner who transfers, conveys, leases, or sells property on which a drycleaning facility is located so long as the voluntary cleanup activities continue. *Notwithstanding any other provisions of chapter 376 to the contrary, the provisions of this subsection shall apply to causes of action accruing on or after the effective date of this act, and shall apply retroactively to causes of action accruing before the effective date of this act, for which no lawsuit has been filed.*

Section 3. Subsection (6) of section 376.308, Florida Statutes, is amended to read:

376.308 Liabilities and defenses of facilities.—

(6) Nothing herein shall be construed to affect cleanup program eligibility under ss. 376.305(6), 376.3071, 376.3072, 376.3078, and 376.3079. Except as otherwise expressly provided in this chapter, nothing in this chapter shall affect, void, or defeat any immunity of any real property *owner or nearby real property owner* under s. 376.3078.

Section 4. Subsections (3) and (5) of section 376.313, Florida Statutes, are amended to read:

376.313 Nonexclusiveness of remedies and individual cause of action for damages under ss. 376.30-376.319.—

(3) ~~Notwithstanding any other provision of law~~ *Except as provided in s. 376.3078(3) and (11)*, nothing contained in ss. 376.30-376.319 prohibits any person from bringing a cause of action in a court of competent jurisdiction for all damages resulting from a discharge or other condition of pollution covered by ss. 376.30-376.319. Nothing in this chapter shall prohibit or diminish a party's right to contribution from other parties jointly or severally liable for a prohibited discharge of pollutants or hazardous substances or other pollution conditions. Except as otherwise provided in subsection (4) or subsection (5), in any such suit, it is not necessary for such person to plead or prove negligence in any form or manner. Such person need only plead and prove the fact of the prohibited discharge or other pollutive condition and that it has occurred. The only defenses to such cause of action shall be those specified in s. 376.308.

(5)(a) In any civil action against the owner or operator of a drycleaning facility or a wholesale supply facility, or the owner of the real property on which such facility is located, if such facility is not eligible under s. 376.3078(3) *and is not involved in voluntary cleanup pursuant to s. 376.3078(11)*, for damages arising from the discharge of drycleaning solvents from a drycleaning facility or wholesale supply facility, the provisions of subsection (3) shall not apply if it can be proven that, at the time of the discharge the alleged damages resulted solely from a discharge from a drycleaning facility or wholesale supply facility that was in compliance with department rules regulating drycleaning facilities or wholesale supply facilities.

(b) Any person bringing such an action must prove negligence in order to recover damages under this subsection. For the purposes of this subsection, noncompliance with s. 376.303 or s. 376.3078, or any of the rules promulgated pursuant thereto, or any applicable state or federal law or regulation, as the same may hereafter be amended, shall be prima facie evidence of negligence.

Section 5. Paragraph (b) of subsection (4) of section 376.30781, Florida Statutes, is amended to read:

376.30781 Partial tax credits for rehabilitation of drycleaning-solvent-contaminated sites and brownfield sites in designated brownfield areas; application process; rulemaking authority; revocation authority.—

(4) To claim the credit, each applicant must apply to the Department of Environmental Protection for an allocation of the $2 million annual credit by December 31 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 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 (2)(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 partial tax credits must be accomplished on a first-come, first-served basis based upon the date complete applications are received by the Division of Waste Management. An applicant shall submit only one application per site per year. To be eligible for a tax credit the applicant must:

(b) Have paid all deductibles pursuant to s. 376.3078(3)*(f)*~~(d)~~ for eligible drycleaning-solvent-cleanup program sites.

Section 6. Subsection (3) of section 376.3079, Florida Statutes, is amended to read:

376.3079 Third-party liability insurance.—

(3) For purposes of this section and s. 376.3078, the term:

(a) "Third-party liability" means the insured's liability, other than for site rehabilitation costs *and property damage*, for bodily injury ~~or property damage~~ caused by an incident of contamination related to the operation of a drycleaning facility or wholesale supply facility.

(b) "Incident" means any sudden or gradual discharge of drycleaning solvents arising from the operation of a drycleaning facility or wholesale supply facility that results in a need for site rehabilitation or results in bodily injury or property damage neither expected nor intended by the drycleaning facility owner or operator or wholesale supply facility.

Section 7. 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 liability under the drycleaning solvent cleanup program; amending s. 376.01, F.S.; defining the term "nearby real property owner"; amending s. 376.3078, F.S.; adding a statement of intent; exempting certain real property owners and others from claims for property damage arising from contamination by drycleaning solvents; amending s. 376.308, F.S.; revising provisions governing the statutory construction of immunity provisions; amending s. 376.313, F.S.; revising provisions governing immunity; amending s. 376.30781, F.S.; correcting a cross reference; amending s. 376.3079, F.S.; redefining the term "third-party liability"; providing an effective date.

Rep. Ross moved the adoption of the amendment.

On motion by Rep. Ross, under Rule 12.2(c), the following late-filed amendment to the amendment was considered.

Representative(s) Ross offered the following:

(Amendment Bar Code: 910563)

Amendment 1 to Amendment 1—On page 4, lines 2-4,
remove: all of said lines

and insert:
resulting from the discharge of drycleaning solvents.

Subject to the delays that may occur as a result of the

Rep. Ross moved the adoption of the amendment to the amendment, which was adopted.

On motion by Rep. Ross, under Rule 12.2(c), the following late-filed amendment to the amendment was considered.

Representative(s) Ross offered the following:

(Amendment Bar Code: 853301)

Amendment 2 to Amendment 1—In the title, on page 19, line 18,

insert: providing for retroactive application;

Rep. Ross moved the adoption of the amendment to the amendment, which was adopted.

The question recurred on the adoption of **Amendment 1**, as amended, which was adopted.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

HB 1627—A bill to be entitled An act relating to non-ad valorem assessments; amending s. 170.201, F.S.; authorizing certain counties to levy special assessments to fund capital improvements and certain services; amending s. 197.3632, F.S., relating to the uniform method for the levy, collection, and enforcement of non-ad valorem assessments; defining the term "levied for the first time"; specifying the circumstances in which a local government must adopt a non-ad valorem assessment; prescribing requirements relating to notices; providing an effective date.

—was read the second time by title.

The Committee on Local Government & Veterans Affairs offered the following:

(Amendment Bar Code: 783623)

Amendment 1 (with title amendment)—
Remove everything after the enacting clause

and insert:

Section 1. Section 125.271, Florida Statutes, is created to read:

125.271 Emergency medical services; county emergency medical service assessments.—

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

(a) A county that is within a rural area of critical economic concern as designated by the Governor pursuant to s. 288.0656;

(b) A small county having a population of 75,000 or fewer on the effective date of this act which has levied at least 10 mills of ad valorem tax for the previous fiscal year; or

(c) A county that adopted an ordinance authorizing the imposition of an assessment for emergency medical services prior to January 1, 2002.

Once a county has qualified under this subsection, it always retains the qualification.

(2) A county may fund the costs of emergency medical services through the levy of a special assessment that apportions the cost among the property based on a reasonable methodology that charges a parcel in proportion to its benefits.

(3) The authorization provided in this section shall be construed to be general law authorization pursuant to ss. 1 and 9 of Art. VII of the State Constitution.

(4) All special assessments for emergency medical services levied by a county prior to the effective date of this section are ratified and validated in all respects if they would have been valid had this section been in effect at the time they were levied.

Section 2. This act shall take effect upon becoming a law.

And the title is amended as follows:

On page 1, line 2,
remove: the entire title

and insert: An act relating to county emergency medical service assessments; creating s. 125.271, F. S.; defining the term "county" as used in this section; providing for permanent qualification for funding emergency medical services through a special assessment levied as described in this act; providing construction; providing for the ratification and validation of certain special assessments levied before the effective date of this act; providing an effective date.

Rep. Evers moved the adoption of the amendment.

Representative(s) Evers offered the following:

(Amendment Bar Code: 630195)

Amendment 1 to Amendment 1 (with title amendment)—On page 2, line 17, before the period,

insert: *; however, this subsection shall not validate assessments in counties with litigation challenging the validity of an assessment pending on January 1, 2002*

And the title is amended as follows:

On page 3, line 6, of the amendment, after the semicolon,

insert: providing an exception;

Rep. Evers moved the adoption of the amendment to the amendment, which was adopted.

The question recurred on the adoption of **Amendment 1**, as amended, which was adopted.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

HB 1771—A bill to be entitled An act relating to state civil and criminal jurisdiction on Indian reservations; repealing s. 285.16, F.S., relating to state civil and criminal jurisdiction on Indian reservations; amending ss. 285.061, 285.165, and 285.18, F.S.; correcting cross references, to conform; providing an effective date.

—was read the second time by title.

The Council for Smarter Government offered the following:

(Amendment Bar Code: 915061)

Amendment 1 (with title amendment)—
Remove everything after the enacting clause

and insert:

Section 1. Section 285.16, Florida Statutes, is amended to read:

285.16 Civil and criminal jurisdiction; Indian reservation*; exception*.—

(1) The State of Florida hereby assumes jurisdiction over criminal offenses committed by or against Indians or other persons within Indian reservations and over civil causes of actions between Indians or other persons or to which Indians or other persons are parties rising within Indian reservations.

(2) The civil and criminal laws of Florida shall obtain on all Indian reservations in this state and shall be enforced in the same manner as elsewhere throughout the state.

(3) Upon consent of the Secretary of Interior to this retrocession of jurisdiction, subsections (1) and (2) of this section shall not apply to

criminal charges filed against Miccosukee Indian defendants or civil actions brought against Miccosukee Indians for crimes or causes of action arising within the Indian reservations of the Miccosukee Tribe of Indians of Florida.

Section 2. This act shall take effect upon becoming a law.

And the title is amended as follows:

On page 1,
remove: entire title

and insert: A bill to be entitled An act relating to Indian reservations; amending s. 285.16, F.S.; specifying that the state's jurisdiction over criminal offenses committed within Indian reservations does not apply to Indian reservations of the Miccosukee Tribe of Indians of Florida; providing an exception for such reservations with respect to the applicability of civil and criminal laws of the state; providing an effective date.

Rep. Arza moved the adoption of the amendment, which was adopted.

Reconsideration

On motion by Rep. Arza, the House reconsidered the vote by which **Amendment 1** was adopted. The question recurred on the adoption of the amendment, which failed of adoption.

Representative(s) Arza offered the following:

(Amendment Bar Code: 305255)

Amendment 2 (with title amendment)—
Remove: everything after the enacting clause,

and insert:

Section 1. Section 285.16, Florida Statutes, is amended to read:

285.16 Civil and criminal jurisdiction; Indian reservation*; exception*.—

(1) The State of Florida hereby assumes jurisdiction over criminal offenses committed by or against Indians or other persons within Indian reservations and over civil causes of actions between Indians or other persons or to which Indians or other persons are parties rising within Indian reservations.

(2) The civil and criminal laws of Florida shall obtain on all Indian reservations in this state and shall be enforced in the same manner as elsewhere throughout the state.

(3) Upon consent of the Secretary of Interior to this retrocession of jurisdiction, subsections (1) and (2) of this section shall not apply to criminal offenses committed by an enrolled member of the Miccosukee Tribe of Indians of Florida, or a person eligible for such enrollment, against the person or property of any other such enrolled member or person eligible for such enrollment within the Indian reservations of the Miccosukee Tribe of Indians of Florida.

Section 2. 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 Indian reservations; amending s. 285.16, F.S.; specifying that the state's jurisdiction over criminal offenses committed within Indian reservations does not apply to Indian reservations of the Miccosukee Tribe of Indians of Florida; providing an exception for such reservations with respect to the applicability of criminal laws of the state; providing an effective date.

Rep. Arza moved the adoption of the amendment.

Representative(s) Arza offered the following:

(Amendment Bar Code: 121035)

Amendment 1 to Amendment 2—In the title, on page 2, lines 16-25,
remove: all of said lines

and insert: A bill to be entitled An act relating to Indian reservations; amending s. 285.16, F.S.; providing that the state shall not have jurisdiction over crimes by one Miccosukee committed against the person or property of another Miccosukee within the reservations of the Miccosukee Tribe of Indians of Florida; providing an effective date.

Rep. Arza moved the adoption of the amendment to the amendment, which was adopted.

The question recurred on the adoption of **Amendment 2**, as amended, which was adopted.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

CS/HB 1341—A bill to be entitled An act relating to community redevelopment; amending s. 163.340, F.S.; revising definitions; amending s. 163.355, F.S.; providing additional criteria for a finding of necessity for community redevelopment; amending s. 163.361, F.S.; revising language relating to proposed modification of community redevelopment plans; requiring community redevelopment agencies to submit certain reports relating to modification of plans to taxing authorities; requiring modifications of community redevelopment plans that include boundary changes to be supported by a resolution under s. 163.355, F.S.; amending s. 163.362, F.S.; revising provisions relating to modifications of contents of community redevelopment plans and specifying a time certain for completion of redevelopment financed by increment revenues for community redevelopment agencies created after July 1, 2002; amending s. 163.385, F.S.; revising provisions relating to issuance and maturation of refunding bonds; amending s. 163.387, F.S.; specifying the time period for appropriations to the redevelopment trust fund; specifying certain entities that are exempt from paying tax increments to a redevelopment trust fund; providing for applicability; providing intent with regard to delegation of community redevelopment powers; providing an effective date.

—was read the second time by title.

Representative(s) Dockery offered the following:

(Amendment Bar Code: 871681)

Amendment 1 (with title amendment)—
Remove everything after the enacting clause

and insert:

Section 1. Subsections (3), (7), and (8) of section 163.340, Florida Statutes, are amended to read:

163.340 Definitions.—The following terms, wherever used or referred to in this part, have the following meanings:

(3) "Governing body" means the council*, commission,* or other legislative body charged with governing the county or municipality.

(7) "Slum area" means an area *having physical or economic conditions conducive to disease, infant mortality, juvenile delinquency, poverty, or crime because* ~~in which~~ there is a predominance of buildings or improvements, whether residential or nonresidential, which *are impaired* by reason of dilapidation, deterioration, age, or obsolescence *and exhibiting one or more of the following factors:*~~;~~

(a) Inadequate provision for ventilation, light, air, sanitation, or open spaces;

(b) High density of population*, compared to the population density of adjacent areas within the county or municipality;* and overcrowding*, as indicated by government-maintained statistics or other studies and the requirements of the florida Building Code*; *or*

(c) The existence of conditions *that* ~~which~~ endanger life or property by fire or other causes~~; or any combination of such factors is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, or crime and is detrimental to the public health, safety, morals, or welfare~~.

(8) "Blighted area" means *an area in which there are* ~~either:~~

~~(a) An area in which there are~~ a substantial number of ~~slum,~~ deteriorated, or deteriorating structures*, in which* ~~and~~ conditions*, as indicated by government-maintained statistics or other studies, are leading* ~~that lead~~ to economic distress or endanger life or property*, and in which two or more of the following factors are present* ~~by fire or other causes or one or more of the following factors that substantially impairs or arrests the sound growth of a county or municipality and is a menace to the public health, safety, morals, or welfare in its present condition and use~~:

(a)~~1.~~ Predominance of defective or inadequate street layout*, parking facilities, roadways, bridges, or public transportation facilities*;

(b) Aggregate assessed values of real property in the area for ad valorem tax purposes have failed to show any appreciable increase over the 5 years prior to the finding of such conditions;

(c)~~2.~~ Faulty lot layout in relation to size, adequacy, accessibility, or usefulness;

(d)~~3.~~ Unsanitary or unsafe conditions;

(e)~~4.~~ Deterioration of site or other improvements;

(f)~~5.~~ Inadequate and outdated building density patterns;

(g) Falling lease rates per square foot of office, commercial, or industrial space compared to the remainder of the county or municipality;

(h)~~6.~~ Tax or special assessment delinquency exceeding the fair value of the land;

(i) Residential and commercial vacancy rates higher in the area than in the remainder of the county or municipality;

(j) Incidence of crime in the area higher than in the remainder of the county or municipality;

(k) Fire and emergency medical service calls to the area proportionately higher than in the remainder of the county or municipality;

(l) A greater number of violations of the Florida Building Code in the area than the number of violations recorded in the remainder of the county or municipality;

~~7. Inadequate transportation and parking facilities; and~~

(m)~~8.~~ Diversity of ownership or defective or unusual conditions of title which prevent the free alienability of land within the deteriorated or hazardous area; or

(n) Governmentally owned property with adverse environmental conditions caused by a public or private entity.

~~(b) An area in which there exists faulty or inadequate street layout; inadequate parking facilities; or roadways, bridges, or public transportation facilities incapable of handling the volume of traffic flow into or through the area, either at present or following proposed construction.~~

However, *the term "blighted area" also means any area in which at least one of the factors identified in paragraphs (a) through (n) are present and all taxing authorities subject to s. 163.387(2)(a) agree, either by interlocal agreement or agreements with the agency or by resolution, that the area is blighted. Such agreement or resolution shall only determine that the area is blighted.* For purposes of qualifying for the tax credits authorized in chapter 220, "blighted area" means an area *as defined in this subsection* ~~described in paragraph (a)~~.

Section 2. Section 163.355, Florida Statutes, is amended to read:

163.355 Finding of necessity by county or municipality.—No county or municipality shall exercise the *community redevelopment* authority conferred by this part until after the governing body has adopted a resolution*, supported by data and analysis, which makes a legislative finding that the conditions in the area meet the criteria described in s. 163.340(7) or (8). The resolution must state* ~~finding~~ that:

(1) One or more slum or blighted areas, or one or more areas in which there is a shortage of housing affordable to residents of low or moderate income, including the elderly, exist in such county or municipality; and~~,~~

(2) The rehabilitation, conservation, or redevelopment, or a combination thereof, of such area or areas, including, if appropriate, the development of housing which residents of low or moderate income, including the elderly, can afford, is necessary in the interest of the public health, safety, morals, or welfare of the residents of such county or municipality.

Section 3. Subsections (1) and (2) of section 163.356, Florida Statutes, are amended to read:

163.356 Creation of community redevelopment agency.—

(1) Upon a finding of necessity as set forth in s. 163.355, and upon a further finding that there is a need for a community redevelopment agency to function in the county or municipality to carry out the community redevelopment purposes of this part, any county or municipality may create a public body corporate and politic to be known as a "community redevelopment agency." *A charter county having a population less than or equal to 1.6 million may create, by a vote of at least a majority plus one of the entire governing body of the charter county, more than one community redevelopment agency.* Each such agency shall be constituted as a public instrumentality, and the exercise by a community redevelopment agency of the powers conferred by this part shall be deemed and held to be the performance of an essential public function. ~~The~~ Community redevelopment *agencies* ~~agency~~ of a county *have* ~~has~~ the power to function within the corporate limits of a municipality only as, if, and when the governing body of the municipality has by resolution concurred in the community redevelopment plan *or plans* proposed by the governing body of the county.

(2) When the governing body adopts a resolution declaring the need for a community redevelopment agency, that body shall, by ordinance, appoint a board of commissioners of the community redevelopment agency, which shall consist of not fewer than five or more than *nine* ~~seven~~ commissioners. The terms of office of the commissioners shall be for 4 years, except that three of the members first appointed shall be designated to serve terms of 1, 2, and 3 years, respectively, from the date of their appointments, and all other members shall be designated to serve for terms of 4 years from the date of their appointments. A vacancy occurring during a term shall be filled for the unexpired term.

Section 4. Section 163.361, Florida Statutes, is amended to read:

163.361 Modification of community redevelopment plans.—

(1) If at any time after the approval of a community redevelopment plan by the governing body it becomes necessary or desirable to amend or modify such plan, the governing body may amend such plan upon the recommendation of the agency. The agency recommendation to amend or modify a redevelopment plan may include a change in the boundaries of the redevelopment area to add land to or exclude land from the redevelopment area, or may include the development and implementation of community policing innovations.

(2) The governing body shall hold a public hearing on a proposed modification of *any* ~~a~~ community redevelopment plan after public notice thereof by publication in a newspaper having a general circulation in the area of operation of the agency.

(3) In addition to the requirements of s. 163.346, and prior to the adoption of any modification to a community redevelopment plan that expands the boundaries of the community redevelopment area or extends the time certain set forth in the redevelopment plan as required by s. 163.362(10), the agency shall report such proposed modification to each taxing authority in writing or by an oral presentation, or both, regarding such proposed modification.

(4) A modification to a community redevelopment plan that includes a change in the boundaries of the redevelopment area to add land must be supported by a resolution as provided in s. 163.355.

(5)~~(3)~~ If a community redevelopment plan is modified by the county or municipality after the lease or sale of real property in the community redevelopment area, such modification may be conditioned upon such approval of the owner, lessee, or successor in interest as the county or municipality may deem advisable and, in any event, shall be subject to such rights at law or in equity as a lessee or purchaser, or his or her successor or successors in interest, may be entitled to assert.

Section 5. Subsection (10) of section 163.362, Florida Statutes, is amended to read:

163.362 Contents of community redevelopment plan.—Every community redevelopment plan shall:

(10) Provide a time certain for completing all redevelopment financed by increment revenues. Such time certain shall occur no later than 30 years after the fiscal year in which the plan is approved, adopted, or amended pursuant to s. 163.361(1). *However, for any agency created after July 1, 2002, the time certain for completing all redevelopment financed by increment revenues must occur within 40 years after the fiscal year in which the plan is approved or adopted.*

Section 6. Paragraph (a) of subsection (1) of section 163.385, Florida Statutes, is amended to read:

163.385 Issuance of revenue bonds.—

(1)(a) When authorized or approved by resolution or ordinance of the governing body, a county, municipality, or community redevelopment agency has power in its corporate capacity, in its discretion, to issue redevelopment revenue bonds from time to time to finance the undertaking of any community redevelopment under this part, including, without limiting the generality thereof, the payment of principal and interest upon any advances for surveys and plans or preliminary loans, and has power to issue refunding bonds for the payment or retirement of bonds or other obligations previously issued. *For any agency created before July 1, 2002,* any redevelopment revenue bonds or other obligations issued to finance the undertaking of any community redevelopment under this part shall mature within 60 years after the end of the fiscal year in which the initial community redevelopment plan was approved or adopted. *For any agency created on or after July 1, 2002, any redevelopment revenue bonds or other obligations issued to finance the undertaking of any community redevelopment under this part shall mature within 40 years after the end of the fiscal year in which the initial community redevelopment plan is approved or adopted.* However, in no event shall any redevelopment revenue bonds or other obligations issued to finance the undertaking of any community redevelopment under this part mature later than the expiration of the plan in effect at the time such bonds or obligations were issued. The security for such bonds may be based upon the anticipated assessed valuation of the completed community redevelopment and such other revenues as are legally available. Any bond, note, or other form of indebtedness pledging increment revenues to the repayment thereof shall mature no later than the end of the 30th fiscal year after the fiscal year in which increment revenues are first deposited into the redevelopment trust fund or the fiscal year in which the plan is subsequently amended. *However, for any agency created on or after July 1, 2002, any form of indebtedness pledging increment revenues to the repayment thereof shall mature by the 40th year after the fiscal year in which the initial community redevelopment plan is approved or adopted.* However, any refunding bonds issued pursuant to this paragraph may not mature later than the final maturity date of any bonds or other obligations issued pursuant to this paragraph being paid or retired with the proceeds of such refunding bonds.

Section 7. Subsections (1), (2), and (6) of section 163.387, Florida Statutes, are amended to read:

163.387 Redevelopment trust fund.—

(1) *After approval of a community redevelopment plan,* there shall be established for each community redevelopment agency created under s. 163.356 a redevelopment trust fund. Funds allocated to and deposited into this fund shall be used by the agency to finance or refinance any community redevelopment it undertakes pursuant to the approved community redevelopment plan. No community redevelopment agency may receive or spend any increment revenues pursuant to this section unless and until the governing body has, by ordinance, provided for the funding of the redevelopment trust fund for the duration of a community redevelopment plan. Such ordinance may be adopted only after the governing body has approved a community redevelopment plan. The annual funding of the redevelopment trust fund shall be in an amount not less than that increment in the income, proceeds, revenues, and funds of each taxing authority derived from or held in connection with the undertaking and carrying out of community redevelopment under this part. Such increment shall be determined annually and shall be that amount equal to 95 percent of the difference between:

(a) The amount of ad valorem taxes levied each year by each taxing authority, exclusive of any amount from any debt service millage, on taxable real property contained within the geographic boundaries of a community redevelopment area; and

(b) The amount of ad valorem taxes which would have been produced by the rate upon which the tax is levied each year by or for each taxing authority, exclusive of any debt service millage, upon the total of the assessed value of the taxable real property in the community redevelopment area as shown upon the most recent assessment roll used in connection with the taxation of such property by each taxing authority prior to the effective date of the ordinance providing for the funding of the trust fund.

However, the governing body of any county as defined in s. 125.011(1) may, in the ordinance providing for the funding of a trust fund established with respect to any community redevelopment area created on or after July 1, 1994, determine that the amount to be funded by each taxing authority annually shall be less than 95 percent of the difference between paragraphs (a) and (b), but in no event shall such amount be less than 50 percent of such difference.

(2)(a) Except for the purpose of funding the trust fund pursuant to subsection (3), upon the adoption of an ordinance providing for funding of the redevelopment trust fund as provided in this section, each taxing authority shall, by January 1 of each year, appropriate to the trust fund for so long as any indebtedness pledging increment revenues to the payment thereof is outstanding (but not to exceed 30 years) a sum that is no less than the increment as defined and determined in subsection (1) accruing to such taxing authority. If the community redevelopment plan is amended or modified pursuant to s. 163.361(1), each such taxing authority shall make the annual appropriation for a period not to exceed 30 years after the date the governing body amends the plan. *However, for any agency created on or after July 1, 2002, each taxing authority shall make the annual appropriation for a period not to exceed 40 years after the fiscal year in which the initial community redevelopment plan is approved or adopted.*

(b) Any taxing authority that does not pay the increment to the trust fund by January 1 shall pay to the trust fund an amount equal to 5 percent of the amount of the increment and shall pay interest on the amount of the increment equal to 1 percent for each month the increment is outstanding.

(c) The following public bodies or taxing authorities ~~created prior to July 1, 1993,~~ are exempt from paragraph (a):

1. A special district that levies ad valorem taxes on taxable real property in more than one county.

2. A special district *for which* the sole available source of revenue *the district has the authority to levy* ~~of which~~ is ad valorem taxes at the time an ordinance is adopted under this section. *However, revenues or aid that may be dispensed or appropriated to a district as defined in s. 388.011 at the discretion of an entity other than such district, shall not be deemed available.*

3. A library district, except a library district in a jurisdiction where the community redevelopment agency had validated bonds as of April 30, 1984.

4. A neighborhood improvement district created under the Safe Neighborhoods Act.

5. A metropolitan transportation authority.

6. A water management district created under s. 373.069.

(d)1. A local governing body that creates a community redevelopment agency under s. 163.356 may exempt from paragraph (a) a special district that levies ad valorem taxes within that community redevelopment area. The local governing body may grant the exemption either in its sole discretion or in response to the request of the special district. The local governing body must establish procedures by which a special district may submit a written request to be exempted from paragraph (a) ~~within 120 days after July 1, 1993~~.

2. In deciding whether to deny or grant a special district's request for exemption from paragraph (a), the local governing body must consider:

a. Any additional revenue sources of the community redevelopment agency which could be used in lieu of the special district's tax increment.

b. The fiscal and operational impact on the community redevelopment agency.

c. The fiscal and operational impact on the special district.

d. The benefit to the specific purpose for which the special district was created. The benefit to the special district must be based on specific projects contained in the approved community redevelopment plan for the designated community redevelopment area.

e. The impact of the exemption on incurred debt and whether such exemption will impair any outstanding bonds that have pledged tax increment revenues to the repayment of the bonds.

f. The benefit of the activities of the special district to the approved community redevelopment plan.

g. The benefit of the activities of the special district to the area of operation of the local governing body that created the community redevelopment agency.

3. The local governing body must hold a public hearing on a special district's request for exemption after public notice of the hearing is published in a newspaper having a general circulation in the county or municipality that created the community redevelopment area. The notice must describe the time, date, place, and purpose of the hearing and must identify generally the community redevelopment area covered by the plan and the impact of the plan on the special district that requested the exemption.

4. If a local governing body grants an exemption to a special district under this paragraph, the local governing body and the special district must enter into an interlocal agreement that establishes the conditions of the exemption, including, but not limited to, the period of time for which the exemption is granted.

5. If a local governing body denies a request for exemption by a special district, the local governing body shall provide the special district with a written analysis specifying the rationale for such denial. This written analysis must include, but is not limited to, the following information:

a. A separate, detailed examination of each consideration listed in subparagraph 2.

b. Specific examples of how the approved community redevelopment plan will benefit, and has already benefited, the purpose for which the special district was created.

6. The decision to either deny or grant an exemption must be made by the local governing body within 120 days after the date the written request was submitted to the local governing body pursuant to the procedures established by such local governing body.

(6) Moneys in the redevelopment trust fund may be expended from time to time for *undertakings of a community redevelopment agency which are* ~~the following purposes, when~~ directly related to financing or refinancing of redevelopment in a community redevelopment area pursuant to an approved community redevelopment plan *for the following purposes, including, but not limited to*:

(a) Administrative and overhead expenses necessary or incidental to the implementation of a community redevelopment plan adopted by the agency.

(b) Expenses of redevelopment planning, surveys, and financial analysis, including the reimbursement of the governing body or the community redevelopment agency for such expenses incurred before the redevelopment plan was approved and adopted.

(c) The acquisition of real property in the redevelopment area.

(d) The clearance and preparation of any redevelopment area for redevelopment and relocation of site occupants as provided in s. 163.370.

(e) The repayment of principal and interest or any redemption premium for loans, advances, bonds, bond anticipation notes, and any other form of indebtedness.

(f) All expenses incidental to or connected with the issuance, sale, redemption, retirement, or purchase of agency bonds, bond anticipation notes, or other form of indebtedness, including funding of any reserve, redemption, or other fund or account provided for in the ordinance or resolution authorizing such bonds, notes, or other form of indebtedness.

(g) The development of affordable housing within the area.

(h) The development of community policing innovations.

Section 8. Section 163.410, Florida Statutes, is amended to read:

163.410 Exercise of powers in counties with home rule charters.—In any county which has adopted a home rule charter, the powers conferred by this part shall be exercised exclusively by the governing body of such county. However, the governing body of any such county which has adopted a home rule charter may, in its discretion, by resolution delegate the exercise of the powers conferred upon the county by this part within the boundaries of a municipality to the governing body of such a municipality. Such a delegation to a municipality shall confer only such powers upon a municipality as shall be specifically enumerated in the delegating resolution. Any power not specifically delegated shall be reserved exclusively to the governing body of the county. This section does not affect any community redevelopment agency created by a municipality prior to the adoption of a county home rule charter. *Unless otherwise provided by an existing ordinance, resolution, or interlocal agreement between any such county and a municipality, the governing body of the county that has adopted a home rule charter shall act on any request from a municipality for a delegation of powers or a change in an existing delegation of powers within 120 days after the receipt of all required documentation or such request shall be immediately sent to the governing body for consideration.*

Section 9. *(1) Amendments to part III of chapter 163, Florida Statutes, as provided by this act, do not apply to any ordinance or resolution authorizing the issuance of any bond, note, or other form of indebtedness to which are pledged increment revenues pursuant to a community development plan, or amendment or modification thereto, as approved or adopted before July 1, 2002.*

(2) Amendments to part III of chapter 163, Florida Statutes, as provided by this act, shall not apply to any ordinance, resolution, interlocal agreement, or written agreement effective before July 1, 2002, that provides for the delegation of community redevelopment powers.

(3) Sections 1, 2, 4, and 5 of this act do not apply to nor affect, directly or indirectly, any community development agency created before July 1, 2002, unless the community redevelopment area is expanded on or after July 1, 2002, in which case only sections 1 and 2 of this act shall apply only to such expanded area.

(4) Sections 1, 2, 4, and 5 of this act do not apply to nor shall affect, directly or indirectly, any municipality that has authorized a finding of necessity study by May 1, 2002, has adopted its finding of necessity on or before August 1, 2002, and has adopted its community redevelopment plan on or before December 31, 2002.

(5) Sections 1, 2, 4, and 5 of this act do not apply to nor shall affect, directly or indirectly, any municipality that has submitted its finding of necessity or application for approval of a community redevelopment plan, or to amend an existing community redevelopment plan, to a county that has adopted a home rule charter and that has delegated powers to that municipality pursuant to section 163.410, Florida Statutes, before August 1, 2002.

(6) Sections 2, 5, 6, and 7 of this act do not apply to nor shall affect, directly or indirectly, any county as defined in section 125.011(1), Florida Statutes, or any municipality located therein.

Section 10. This act shall take effect July 1, 2002.

And the title is amended as follows:
remove: the entire title

and insert: A bill to be entitled An act relating to community redevelopment; amending s. 163.340, F.S.; revising definitions; amending s. 163.355, F.S.; providing additional criteria for a finding of necessity for community redevelopment; amending s. 163.356, F.S.; allowing certain charter counties to create multiple community redevelopment agencies within the unincorporated county areas; providing for the membership of the board of commissioners of the community redevelopment agency; amending s. 163.361, F.S.; requiring the appropriate governing body to hold public hearings and provide notice to taxing authorities concerning modifications of community redevelopment plans; amending s. 163.362, F.S.; providing a deadline for completing projects in a community redevelopment plan; amending s. 163.385, F.S.; revising provisions relating to issuance and maturation of refunding bonds; amending s. 163.387, F.S.; providing time limitations on the annual appropriation made by each taxing authority after the initial community redevelopment plan has been approved; providing that certain special districts are exempt from providing tax increment dollars to the community redevelopment trust fund; revising provisions for exemption from funding of the trust fund; amending s. 163.410, F.S.; providing that the governing body of a charter county must act on a delegation-of-powers request within a specific timeframe; providing for applicability; providing an effective date.

Rep. Dockery moved the adoption of the amendment.

Representative(s) Wiles offered the following:

(Amendment Bar Code: 943191)

Amendment 1 to Amendment 1 (with title amendment)—On page 1, between lines 16 and 17

insert:

Section 1. Subsection (3) of section 163.336, Florida Statutes, is amended to read:

163.336 Coastal resort area redevelopment pilot project.—

(3) PILOT PROJECT EXPIRATION.—The authorization for the pilot project and the provisions of this section expire December 31, *2006* ~~2002~~. The Legislature shall review these requirements before their scheduled expiration.

And the title is amended as follows:

On page 17, line 18 after the semicolon

insert: amending s. 163.336; F.S.; extending the date for a pilot project;

Rep. Wiles moved the adoption of the amendment to the amendment, which was adopted.

On motion by Rep. Clarke, under Rule 12.2(c), the following late-filed amendment to the amendment was considered.

Representative(s) Clarke offered the following:

(Amendment Bar Code: 330465)

Amendment 2 to Amendment 1—On page 11, lines 25 thru 28
remove: all of said lines

and insert:
under this section.

Rep. Clarke moved the adoption of the amendment to the amendment, which was adopted.

Representative(s) Dockery offered the following:

(Amendment Bar Code: 284821)

Amendment 3 to Amendment 1—On page 16, line 25,

after *2002,* insert: *or*

Rep. Dockery moved the adoption of the amendment to the amendment, which was adopted.

On motion by Rep. Greenstein, under Rule 12.2(c), the following late-filed amendment to the amendment was considered.

Representative(s) Greenstein offered the following:

(Amendment Bar Code: 700591)

Amendment 4 to Amendment 1—On page 16, line 28, through page 17, line 4,
remove: all of said lines

and insert:

(5) Sections 1, 2, 4, and 5 of this act do not apply to nor shall affect, directly or indirectly, any municipality that has submitted before August 1, 2002 its finding of necessity, or application for approval of a community redevelopment plan, or an application to amend an existing community redevelopment plan to a county that has adopted a home rule charter.

Rep. Greenstein moved the adoption of the amendment to the amendment, which was adopted.

The question recurred on the adoption of **Amendment 1**, as amended, which was adopted.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

On motion by Rep. Goodlette, the rules were waived and the House moved to the order of—

Motions Relating to Committee or Council References

On motion by Rep. Goodlette, agreed to by two-thirds vote, HB 1777 was withdrawn from the Committee on Transportation & Economic Development Appropriations and the Council for Ready Infrastructure, and placed on the Calendar of the House.

On motion by Rep. Goodlette, agreed to by two-thirds vote, CS/HB 1133 was withdrawn from the Fiscal Responsibility Council and placed on the Calendar of the House.

Messages from the Senate

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS/HB 353 and HB 1283.

Faye W. Blanton, Secretary

The above bills were ordered enrolled.

First Reading by Publication

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for CS for CS for SB's 90 & 554 and SB 140; passed CS for CS for CS for SB 386; CS for SB 408; CS for CS for CS for SB 686; and CS for SB 720, as amended; passed SBs 910 and 912 by the required Constitutional three-fifths vote of the members of the Senate; passed SB

962; CS for SB 1066; and CS for CS for SB 1136, as amended; passed CS for SB 1178; passed SJR 1284, as amended, by the required Constitutional three-fifths vote of the members of the Senate; passed SB 1914, as amended; passed CS for SB 1916; SB 2094; and CS for SB 2252 and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committees on Appropriations, Judiciary, Criminal Justice and Senators Laurent and Burt—

CS for CS for CS for SB's 90 & 554—A bill to be entitled An act relating to career offenders; amending s. 775.13, F.S.; exempting a career offender from the requirement to register as a convicted felon; creating s. 775.26, F.S.; providing legislative findings and intent with respect to the registration of career offenders and public notification of the presence of career offenders; creating s. 775.261, F.S.; creating the Florida Career Offender Registration Act; providing definitions; requiring a criminal who is classified as a career offender and who is released on or after a specified date to register with the Department of Law Enforcement; providing an exception for an offender who registers as a sexual predator or sexual offender; providing procedures for registration; requiring that a photograph and fingerprints be taken of a career offender; providing procedures for notifying the Department of Law Enforcement if a career offender intends to establish residence in another state or jurisdiction; requiring the Department of Law Enforcement to provide for computer access to information on career offenders; providing that the registration list is a public record; providing a procedure by which a registered career offender may petition the court to remove the requirement that he or she maintain registration; authorizing law enforcement agencies to notify the public of the presence of a career offender; requiring address verification for career offenders; providing that specified state agencies and employees are immune from liability for good-faith compliance with the requirements of the act; providing penalties; specifying venues for prosecuting a violation of the act; creating s. 944.608, F.S.; requiring a career offender who is not sentenced to a term of imprisonment or who is under the supervision of the Department of Corrections to register with the Department of Law Enforcement; providing procedures for registration; providing penalties; providing that specified state agencies and certain employees are immune from liability for good-faith compliance with the requirements of the act; creating s. 944.609, F.S.; requiring the Department of Corrections to provide information concerning a career offender to the sheriff, police chief, Department of Law Enforcement, and victim, if requested, before the career offender is released from incarceration; authorizing the Department of Corrections or any law enforcement agency to notify the public of the presence of a career offender; providing for immunity from liability for good-faith compliance with the requirements of the act; providing appropriations; providing an effective date.

Referred to the Calendar of the House.

By Senator Burt—

SB 140—A bill to be entitled An act relating to public records; creating s. 817.569, F.S.; providing that it is a misdemeanor of the first degree to use a public record, or information obtained from a public record, to facilitate the commission of a misdemeanor of the first degree; providing that it is a felony of the third degree to use a public record, or information obtained from a public record, to facilitate the commission of a felony; amending s. 921.0022, F.S., relating to the offense severity ranking chart of the Criminal Punishment Code; conforming provisions to the act; providing an effective date.

Referred to the Calendar of the House.

By the Committees on Appropriations, Governmental Oversight and Productivity, Commerce and Economic Opportunities and Senator Holzendorf—

CS for CS for CS for SB 386—A bill to be entitled An act relating to the Florida Black Business Investment Board, Inc.; amending s. 288.707, F.S.; revising legislative findings regarding the creation and growth of black business enterprises; redefining the term "black business enterprise"; providing that the board shall be a not-for-profit corporation and not an entity of state government; revising provisions relating to appointment and number of board members, compensation of board members, the president and employees, and financial disclosure by board members; providing for board meetings; authorizing the board to appoint at-large members; creating s. 288.7075, F.S.; amending s. 288.708, F.S.; revising provisions relating to appointment of the executive director; renaming the position of "executive director" as "president"; providing for the appointment and compensation of the president; providing for delegation of powers and responsibilities to the president; prescribing the corporation's responsibilities regarding use of funds; providing requirements regarding employees' compensation; amending s. 288.709, F.S.; replacing references to board rulemaking with references to the adoption of policies; eliminating provisions related to the authority of the corporation to acquire and sell property; amending s. 288.7091, F.S.; revising provisions relating to duties of the corporation regarding developing memoranda of understanding with certain entities and increasing the number of black business enterprises in construction projects; requiring the corporation to ensure that certain appropriations are distributed properly, to conduct certain economic development activities, and to facilitate creation of black business investment corporations; creating s. 288.7092, F.S.; providing intent regarding operation of the corporation and return on investment; defining the state's operating investment in the corporation; directing the board to adopt an annual operating budget; providing requirements regarding private-sector support; providing requirements regarding corporate compliance with performance measures; providing for a report; requiring that the board hire a private accounting firm or economic analysis firm and providing its duties; amending ss. 288.711 and 288.712, F.S.; conforming provisions; amending s. 288.714, F.S.; revising the list of persons to whom the corporation's annual report is submitted; revising the due date for such report; clarifying references to ss. 288.707-288.714, F.S.; establishing a program to lease state employees to the Black Business Investment Board, Inc.; prescribing duties of the Department of Management Services related to such leasing program; providing terms and conditions of such leasing program; amending s. 288.9015, F.S.; revising duties of Enterprise Florida, Inc., relating to small and minority businesses; directing Enterprise Florida, Inc., to contract with the Black Business Investment Board, Inc., under certain conditions; requiring the Black Business Investment Board, Inc., to complete a report on the inclusion of all minorities in the activities of the board and the black business investment corporations; providing an effective date.

Referred to the Calendar of the House.

By the Committee on Criminal Justice and Senator Crist—

CS for SB 408—A bill to be entitled An act relating to investigations by the office of inspector general of the Department of Corrections; amending s. 944.31, F.S.; providing for designation of certain persons as law enforcement officers and authorizing such persons to have certain powers and duties; amending s. 944.35, F.S.; revising provisions relating to use of force by department employees and responsibility and guidelines for investigations thereof; providing an effective date.

Referred to the Calendar of the House.

By the Committees on Appropriations, Children and Families, Judiciary and Senators Burt and Cowin—

CS for CS for CS for SB 686—A bill to be entitled An act relating to legal proceedings involving minor children; providing for the transfer of the guardian ad litem program to the Statewide Public Guardianship and Children's Representation Office; renaming each guardian ad litem office as a Circuit Office of Children's Representation; providing for a study to determine the organizational placement of the Statewide Public Guardianship and Children's Representation Office and Circuit Children's Representation Offices with recommendations to the Legislature by a specified date; providing for county funding of program elements; amending s. 25.388, F.S.; including the Statewide Public Guardianship and Children's Representation Office as recipients of

moneys from the Family Courts Trust Funds; amending s. 744.701, F.S.; redesignating the Public Guardianship Act as the "Public Guardianship and Children's Representation Act"; amending s. 744.702, F.S.; providing legislative intent with respect to children involved in dependency proceedings and incapacitated persons; amending s. 744.7021, F.S.; establishing the Statewide Public Guardianship and Children's Representation Office within the Department of Elderly Affairs; providing a term of office and qualifications for the executive director; providing for appointment of deputy directors; providing qualifications for deputy directors; requiring the Statewide Public Guardianship and Children's Representation Office to establish standards for the representation of children; requiring an annual report to the Legislature; requiring the office to establish a Circuit Office of Children's Representation in each judicial circuit; authorizing the circuit offices to provide and coordinate the provision of legal services for children when private representation is unavailable; requiring the circuit offices to provide representation for children in dependency proceedings; providing for appointing a lay representative and an attorney to represent the best interest of the child; authorizing the Statewide Public Guardianship and Children's Representation Office or the Circuit Offices of Children's Representation to establish a nonprofit organization to assist in funding the services provided to children; amending ss. 744.703, 744.706, 744.707, 744.708, 744.7081, 400.148, F.S., relating to the office of public guardian, budget, procedures and rules, reports and standards, access to records, and Medicaid contracts; conforming provisions to changes made by the act; amending s. 27.51, F.S.; authorizing a public defender to enter into an agreement for representation of a child in a dependency proceeding; amending s. 39.001, F.S.; requiring the Statewide Public Guardianship and Children's Representation Office to participate in revising the statewide plan to prevent abuse, abandonment, and neglect of children; requiring that the Circuit Offices of Children's Representation participate in revising local plans; amending s. 39.01, F.S.; redefining the term "party" to include, under certain circumstances, a guardian ad litem; limiting a child's right to file documents; providing for notice to a party; providing for excusing a child from appearing in court; amending s. 39.013, F.S.; providing for representation of children in proceedings under ch. 39, F.S.; amending s. 39.202, F.S.; authorizing access to records by the guardian ad litem and the child; amending s. 39.302, F.S.; requiring notification of the guardian ad litem or legal counsel of reports of institutional child abuse, neglect, or abandonment; amending s. 39.305, F.S.; providing for the Statewide Public Guardianship and Children's Representation Office to participate in developing the model plan for intervention and treatment in certain sexual-abuse cases; amending s. 39.402, F.S.; providing for notice of and representation for a child at a shelter hearing; providing for continuance of the hearing in order for the child to obtain representation; amending s. 39.407, F.S.; authorizing legal counsel to represent a child placed in residential treatment; requiring that notice and information regarding the child's treatment be provided to the child's guardian ad litem and legal counsel; amending s. 39.4085, F.S.; requiring that the child, the guardian ad litem, or legal counsel participate in developing a case plan; providing for the right of a child to be heard at all review hearings; providing for appointment of a guardian ad litem or legal counsel; repealing s. 39.4086, F.S., relating to a pilot program for appointing attorneys ad litem for dependent children; amending s. 39.502, F.S.; providing for notice and service of process on legal counsel or guardian ad litem; amending s. 39.504, F.S.; authorizing the child's guardian ad litem or attorney to file for an injunction to prevent child abuse or an unlawful sexual offense; amending s. 39.505, F.S.; specifying that the guardian ad litem need not file an answer to a petition or pleading; amending s. 39.510, F.S.; authorizing the representative of a party to appeal a court order; amending s. 39.521, F.S.; requiring that a case plan and certain reports be provided to specified parties; limiting discharge of a guardian ad litem or legal counsel unless other representation is provided to a child; authorizing approval of withdrawal request; amending s. 39.701, F.S.; authorizing the court to dismiss a child from a judicial review hearing; requiring that notice be provided to the child and legal counsel; requiring service of reports on specified parties; requiring the court to determine whether a child needs a guardian ad litem or attorney; amending s. 39.801, F.S.; requiring that notice of a petition be served on a child; exempting a child's legal counsel from payment of fees for service of process or other papers; amending s. 39.802, F.S.; providing for a child through legal counsel to file a petition for termination of parental rights; amending s. 39.805, F.S.; providing that a guardian ad litem need not file an answer; amending s. 39.806, F.S.; providing requirements for a child in filing a petition for termination of parental rights; amending s. 39.807, F.S.; providing requirements for the representation provided to a child by the guardian ad litem or legal counsel; eliminating provisions related to posting of a bond and service on a guardian ad litem; amending s. 39.808, F.S.; providing for appointment of legal counsel following a petition to terminate parental rights; amending s. 39.810, F.S.; providing for the court to consider the expressed interest of the child in a hearing on a petition to terminate parental rights; providing that the court must consider information related to best-interest requirements provided by a guardian ad litem; amending s. 39.811, F.S.; requiring that the court consider information provided by the child or the guardian ad litem in determining whether to retain jurisdiction over a dependent child; amending s. 39.820, F.S.; amending the definition of the term "guardian ad litem" to eliminate references to the guardian ad litem program; amending s. 39.821, F.S.; providing qualifications for guardians ad litem and staff members of the Circuit Office of Children's Representation providing representation to children; amending s. 39.822, F.S.; designating who may be a guardian ad litem; providing for appointment of the Circuit Office of Children's Representation when the child and parents are indigent; requiring background checks of specified guardians ad litem; creating s. 39.8225, F.S.; providing powers and duties of a guardian ad litem; requiring that a guardian ad litem represent the child's best interest; requiring that a guardian ad litem investigate allegations in a pleading filed; providing requirements for conducting an investigation; requiring that the guardian ad litem and attorney consult with the child; requiring a report; providing for attorney review of the report and presentation to the court; requiring that the court be informed of the expressed interest of the child; authorizing the court to issue a blanket order for the guardian ad litem to obtain information; authorizing the guardian ad litem to petition the court to issue orders; providing for notice of written reports to all parties; requiring that the guardian ad litem file certain pleadings through counsel; creating s. 39.84, F.S.; providing for confidentiality; creating s. 39.86, F.S.; providing immunity for a guardian ad litem, staff or volunteer in a Circuit Office of Children's Representation, and a court-appointed psychologist; creating s. 39.8226, F.S.; providing for appointment of legal counsel for a child; requiring that the court determine capacity of a child before appointing legal counsel; providing for appointment of legal counsel when the Circuit Office of Children's Representation is providing representation; authorizing the Circuit Office of Children's Representation to petition for appointment of counsel; amending s. 40.24, F.S.; providing for payment for jurors to be used to fund the representation of children in a proceeding under ch. 39, F.S., and related proceedings; amending s. 215.5601, F.S.; providing for the Director of the Statewide Public Guardianship and Children's Representation Office rather than the director of the guardian ad litem program to be a member of the Lawton Chiles Endowment Fund Advisory Council; amending s. 985.308, F.S.; substituting the Statewide Public Guardianship and Children's Representation Office for the guardian ad litem program on the membership of a sexual abuse intervention network; reenacting ss. 39.3035, 39.202, F.S., relating to child advocacy centers and adjudicatory hearings, to incorporate the amendment to s. 39.202, F.S., in references thereto; reenacting s. 63.052, F.S., relating to the designation of guardians, to incorporate the amendment to 39.701, F.S., in references thereto; reenacting s. 984.03, F.S., relating to probation and community control, to incorporate the amendment to s. 39.402, F.S., in references thereto; providing an effective date.

Referred to the Calendar of the House.

By the Committee on Judiciary and Senator Burt—

CS for SB 720—A bill to be entitled An act relating to probate and trusts; amending s. 660.46, F.S.; conforming provisions relating to trust accountings; amending s. 732.2025, F.S.; redefining the term "qualifying special needs trust" established for a surviving spouse; amending s. 731.303, F.S.; clarifying existing law regarding representation in the

administration of a trust; providing for retroactive application; amending s. 732.2075, F.S.; revising provisions governing sources from which the elective share is payable; amending s. 733.107, F.S.; clarifying the circumstances which shift the burden of proof in certain proceedings contesting the validity of a will; amending s. 733.702, F.S.; clarifying the limitation on the presentation of claims; creating s. 737.115, F.S.; requiring certain trusts to contain a specified notice; creating s. 737.116, F.S.; providing for the establishment of trusts for an animal; creating s. 737.209, F.S.; codifying existing law regarding improper distribution in the administration of a trust; amending s. 737.303, F.S.; making conforming amendments relating to the duty to inform and with respect to trust accounting; creating s. 737.3035, F.S.; codifying trust accounting principles; amending s. 737.307, F.S.; requiring notice of statute of limitations to trust beneficiaries; providing for application; providing an effective date.

Referred to the Calendar of the House.

By Senator Clary—

SB 910—A bill to be entitled An act relating to trust funds; creating s. 216.273, F.S.; creating the Administered Funds Trust Fund within the Executive Office of the Governor; providing for sources and purposes; providing for exemption from constitutional termination; providing an effective date.

Referred to the Calendar of the House.

By Senator Clary—

SB 912—A bill to be entitled An act relating to trust funds; creating the Emergency Response Trust Fund within the Department of Military Affairs; providing sources of funds; providing for the use of funds; providing an exemption from certain service charges; providing for an annual carryforward of funds; providing for future legislative review and termination or re-creation of the trust fund; providing a contingent effective date.

Referred to the Calendar of the House.

By Senator Sanderson—

SB 962—A bill to be entitled An act relating to veterans; amending ss. 296.04, 296.34, F.S.; revising provisions relating to the state appointment and duties of the veterans' homes' administrators; defining duties of the administrators; eliminating a residency requirement; amending s. 296.11, F.S.; eliminating a requirement that certain interest be deposited into the Grants and Donations Trust Fund; amending s. 296.12, F.S.; requiring an accounting of certain funds in the Residents' Deposits Trust Fund and eliminating a requirement that interest accrued in the fund be deposited into the Grants and Donations Trust Fund; amending s. 296.32, F.S.; authorizing more than one veterans' nursing home; amending s. 296.33, F.S.; revising definitions; amending s. 296.38, F.S.; requiring the accounting of certain funds; eliminating a requirement that interest accrued be deposited in the Grants and Donations Trust Fund; designating the state veterans' nursing home in Bay County as the "Clifford Chester Sims State Veterans' Nursing Home"; designating the state veterans' nursing home in Charlotte County as the "Douglas T. Jacobson State Veterans' Nursing Home"; providing an effective date.

Referred to the Calendar of the House.

By the Committee on Judiciary and Senator Campbell—

CS for SB 1066—A bill to be entitled An act relating to the Uniform Commercial Code; amending ss. 679.1021, 679.1081, 679.2031, 679.210, 679.510, 679.513, 679.516, 679.519, 679.527, and 679.625, F.S.; revising provisions of the Uniform Commercial Code as amended to clarify and conform; amending ss. 679.3011, 679.3171, 679.334, and 679.5011, F.S.; clarifying the application of laws of this state to security interests in goods as fixtures; revising operation of provisions specifying priority of such security interests; amending s. 679.5041, F.S.; revising provisions governing sufficiency of indications of collateral in financing statements; providing an effective date.

Referred to the Calendar of the House.

By the Committees on Finance and Taxation, Transportation and Senator Pruitt—

CS for CS for SB 1136—A bill to be entitled An act relating to license plates; amending ss. 320.08056, 320.08058, F.S.; creating a Protect Florida Whales specialty license plate; providing an annual use fee; providing for the distribution of the use fees received; providing an effective date.

Referred to the Calendar of the House.

By the Committee on Transportation and Senator Wasserman Schultz—

CS for SB 1178—A bill to be entitled An act relating to temporary parking permits for disabled persons; amending s. 320.0848, F.S.; reducing the term of such permits; providing an effective date.

Referred to the Calendar of the House.

By Senator Latvala—

SJR 1284—A joint resolution proposing an amendment to Section 24 of Article I of the State Constitution relating to public records and meetings exemptions.

Referred to the Calendar of the House.

By Senator Klein and others—

SB 1914—A bill to be entitled An act relating to student financial assistance; amending s. 240.409, F.S., relating to the Florida Public Student Assistance Grant Program; authorizing grants to part-time degree-seeking students; revising provisions relating to the maximum amount of the grants; providing an effective date.

Referred to the Calendar of the House.

By the Committee on Banking and Insurance and Senator Silver—

CS for SB 1916—A bill to be entitled An act relating to bail bond agencies and agents; creating s. 648.24, F.S.; declaring public policy; amending s. 648.25, F.S.; defining terms; amending s. 648.27, F.S.; prescribing licensure requirements for managing general agents; creating s. 648.285, F.S.; providing for temporary permits; amending s. 648.29, F.S.; prescribing requirements for build-up accounts; amending ss. 648.30, 648.31, F.S.; eliminating references to runners; amending s. 648.34, F.S.; revising qualifications for bail bond agents; amending s. 648.355, F.S.; revising qualifications for temporary licenses; amending s. 648.36, F.S.; requiring licensees to maintain certain records; amending s. 648.381, F.S.; prescribing additional education requirements for certain persons seeking reexamination; amending ss. 648.382, 648.383, F.S.; eliminating references to runners; requiring an affidavit regarding premiums owed; amending s. 648.384, F.S.; eliminating references to runners; amending s. 648.385, F.S.; removing obsolete provisions; amending s. 648.386, F.S.; increasing certain education requirements; creating s. 648.387, F.S.; providing for the designation of primary bail bond agents; amending s. 648.388, F.S.; prescribing requirements for managing general agents; amending ss. 648.39, 648.41, F.S.; eliminating references to runners; amending s. 648.44, F.S.; prohibiting certain forms of solicitation and advertising; eliminating references to runners; amending s. 648.441, F.S.; eliminating references to runners and establishing a fine for certain violations; amending s. 648.442, F.S.; prescribing requirements relating to collateral security; prescribing requirements for the appointment of certain bail bond appointees who were previously appointed; amending s. 648.4425, F.S.; requiring agents to provide a statement of surrender; amending s. 648.45, F.S.; prohibiting the filing of false reports and other actions relating to reports; amending s. 648.52, F.S.; increasing an administrative penalty; creating s. 648.525, F.S.; providing for civil administrative proceedings against licensees; amending s. 648.571, F.S.; providing procedures for the return of collateral; authorizing certain fees; providing a penalty; amending ss. 624.501, 624.523, F.S.; eliminating references to runners; repealing s. 648.37, F.S., relating to qualifications of runners; providing severability; providing an effective date.

Referred to the Calendar of the House.

By Senator Geller—

SB 2094—A bill to be entitled An act relating to misbranded food products; amending s. 500.121, F.S.; requiring retesting of certain food products administratively determined to be misbranded; providing penalties; providing an effective date.

Referred to the Calendar of the House.

By the Committee on Regulated Industries and Senator Constantine—

CS for SB 2252—A bill to be entitled An act relating to timeshares; amending s. 721.111, F.S.; increasing the number of allowable promotional prizes which may be made available annually; amending s. 721.13, F.S.; authorizing the managing entity of a timeshare to allocate net rental proceeds in any reasonable manner with respect to a specific timeshare under certain circumstances; authorizing the managing entity to rent certain units to a developer at a bulk rate; amending s. 721.15, F.S.; revising a provision with respect to assessments for common expenses; providing an effective date.

Referred to the Calendar of the House.

Motion to Adjourn

Rep. Byrd moved that the House adjourn for the purpose of holding committee and council meetings and conducting other House business, to reconvene at 10:00 a.m., Friday, March 15. The motion was agreed to.

Votes After Roll Call
[Date(s) of Vote(s) and Sequence Number(s)]

Rep. Alexander:

Yeas—March 13: 885

Rep. Andrews:

Nays—March 13: 880

Rep. Crow:

Nays to Yeas—March 13: 880

Rep. Feeney:

Yeas—March 13: 883, 887

Rep. Harper:

Yeas—March 12: 886

Rep. Harrell:

Yeas—March 13: 882

Rep. Kyle:

Yeas—March 12: 866, 870

Nays—March 12: 867

Rep. Lynn:

Yeas—March 7: 801, 812; March 13: 877

Rep. Trovillion:

Yeas—March 13: 883

Rep. Wiles:

Yeas—March 13: 887

Rep. Wilson:

Yeas—March 12: 886

Rep. Wishner:

Yeas—March 13: 886

Cosponsors
CS/HB 231—Gottlieb
CS/HB 385—Siplin
CS/HB 491—Byrd
HB 493—Byrd
HB 525—Bendross-Mindingall, Henriquez, Holloway
HB 565—Cusack
HB 743—Henriquez
CS/HB 751—Gottlieb
CS/HB 789—Henriquez
HB 877—Kilmer
CS/CS/HB 1057—Gottlieb
HB 1181—Gottlieb, Wishner
HB 1539—Fields
CS/HB 1819—Gottlieb
HB 1821—Holloway
HR 9075—Bendross-Mindingall

Introduction and Reference

First Reading of Council and Committee Substitutes by Publication

By the Council for Healthy Communities; Committee on Health Regulation; Representatives Farkas, Sobel, Fiorentino, Johnson, Alexander, Ritter, Harrell, Wishner, Siplin, Rubio, Kravitz, and Hogan—

CS/HB 1217—A bill to be entitled An act relating to health care and health professional responsibility; transferring to the Department of Health the powers, duties, functions, and assets that relate to the consumer complaint services, investigations, and prosecutorial services performed by the Agency for Health Care Administration under contract with the department; transferring full-time equivalent positions and the practitioner regulation component from the agency to the department; amending s. 20.43, F.S.; deleting the provision authorizing the department to enter into such contract with the agency, to conform; updating a reference to provide the name of a regulatory board under the Division of Medical Quality Assurance; requiring the Office of Legislative Services to develop a business plan for the Board of Dentistry; providing an appropriation; requiring a report to the Governor and Legislature; requiring the Department of Health to contract for the implementation of the electronic continuing education tracking system and requiring said system to be compatible and integrated with the department's licensure and renewal system; amending s. 456.057, F.S.; authorizing specified persons to release certain medical records to a custodian upon board order; exempting such persons from liability for the release of such records; amending s. 456.072, F.S.; providing additional penalties to be imposed on certain health care practitioners relating to notice to patients concerning availability and access to medical records; amending s. 456.076, F.S.; providing additional conditions for impaired practitioners to enroll in a treatment program as an alternative to discipline; amending s. 456.0375, F.S.; revising the definition of "clinic" to exempt public college and university clinics from medical clinic registration and to clarify when a health care practitioner may supervise another health care practitioner; amending s. 456.072, F.S.; revising grounds for disciplinary action relating to performing health care services improperly and to leaving foreign bodies in patients; amending s. 631.57, F.S.; exempting medical malpractice insurance premiums from an assessment; amending s. 395.002, F.S.; defining "medically unnecessary procedure"; amending s. 394.4787, F.S.; conforming a cross reference; amending s. 395.0161, F.S.; providing rulemaking authority relating to inspections and investigations of facilities; amending s. 395.0197, F.S.; revising requirements for internal risk management programs; amending s. 465.019, F.S.; revising the definition of "class II institutional pharmacies" to allow dispensing and consulting services to hospice patients under certain circumstances; providing legislative findings relating to responsiveness to emergencies and disasters; amending s. 381.0011, F.S.; revising duties of the Department of Health;

authorizing the State Health Officer to take specified emergency actions to protect the public health; amending s. 381.0034, F.S.; providing a requirement for instruction of certain health care licensees on conditions caused by nuclear, biological, and chemical terrorism, as a condition of initial licensure, and, in lieu of the requirement for instruction on HIV and AIDS, as a condition of relicensure; amending s. 381.0035, F.S.; providing a requirement for instruction of employees at certain health care facilities on conditions caused by nuclear, biological, and chemical terrorism, upon initial employment, and, in lieu of the requirement of instruction on HIV and AIDS, as biennial continuing education; providing an exception; creating s. 381.0421, F.S.; requiring postsecondary education institutions to provide information on hepatitis B; requiring individuals residing in on-campus housing to document vaccinations against hepatitis B or sign a waiver; amending ss. 395.1027 and 401.245, F.S.; correcting cross references; amending s. 401.23, F.S.; revising definitions of "advanced life support" and "basic life support" and defining "emergency medical condition"; amending s. 401.252, F.S.; authorizing physician assistants to conduct interfacility transfers in a permitted ambulance under certain circumstances; amending s. 401.27, F.S.; providing that the course on conditions caused by nuclear, biological, and chemical terrorism shall count toward the total required hours for biennial recertification of emergency medical technicians and paramedics; amending s. 456.033, F.S.; providing a requirement for instruction of certain health care practitioners on conditions caused by nuclear, biological, and chemical terrorism, as a condition of initial licensure, and, in lieu of the requirement for instruction on HIV and AIDS, as part of biennial relicensure; creating s. 456.0345, F.S.; providing continuing education credits to health care practitioners for certain life support training; amending s. 456.072, F.S.; conforming provisions relating to grounds for disciplinary actions to changes in health care practitioners' course requirements; amending s. 456.38, F.S.; revising provisions relating to the health care practitioner registry for disasters and emergencies; prohibiting certain termination of or discrimination against a practitioner providing disaster medical assistance; amending ss. 458.319 and 459.008, F.S.; conforming provisions relating to exceptions to continuing education requirements for physicians and osteopathic physicians; amending s. 765.512, F.S., relating to anatomical gifts; prohibiting modification of a donor's intent; providing that a donor document is legally binding; authorizing specified persons to furnish donors' medical records upon request; amending s. 765.516, F.S.; revising procedures by which the terms of an anatomical gift may be amended or the gift may be revoked; amending s. 456.073, F.S.; revising procedures and timeframes for formal hearings of health care practitioner disciplinary cases; requiring a joint audit of hearings and their billing formulas and a report to the Legislature; amending s. 456.076, F.S.; requiring each impaired practitioner to pay a portion of the cost of the consultant and impaired practitioner program and the full cost of the required treatment program or plan; providing certain exceptions; repealing s. 456.047, F.S., to terminate the standardized credentialing program for health care practitioners; prohibiting the refund of moneys collected through the credentialing program; amending ss. 456.039, 456.0391, 456.072, and 456.077, F.S.; removing references, to conform; amending s. 458.309, F.S.; requiring accreditation of physician offices in which surgery is performed; amending s. 459.005, F.S.; requiring accreditation of osteopathic physician offices in which surgery is performed; amending s. 456.004, F.S., relating to powers and duties of the department; requiring performance measures for certain entities; providing procedures for considering board requests to privatize regulatory functions; amending s. 456.009, F.S.; requiring performance measures for certain legal and investigative services and annual review of such services to determine whether such performance measures are being met; amending s. 456.011, F.S.; requiring regulatory board committee meetings, including probable cause panels, to be held electronically unless certain conditions are met; providing for determination of location of in-person meetings; amending s. 456.026, F.S.; requiring inclusion of performance measures for certain entities in the department's annual report to the Legislature; creating s. 458.3093, F.S.; requiring submission of credentials for initial physician licensure to a national licensure verification service; requiring verification of such credentials by that service or an equivalent program; creating s. 459.0053, F.S.; requiring submission of credentials for initial osteopathic physician licensure to a national licensure verification service; requiring verification of such credentials by that service, a specified association, or an equivalent program; amending ss. 458.331, 459.015, and 627.912, F.S.; raising the malpractice closed claims reporting requirement amount; amending s. 456.073, F.S.; requiring health care practitioner licensees to pay the actual costs of investigation and prosecution under certain circumstances; requiring cases in which no probable cause has been found to be closed within a specified period of time; requiring a study of the field office structure and organization of the Agency for Health Care Administration and a report to the Legislature; amending s. 456.025, F.S.; eliminating certain restrictions on the setting of licensure renewal fees for health care practitioners; creating s. 456.0165, F.S.; restricting the costs that may be charged by educational institutions hosting health care practitioner licensure examinations; requiring health care practitioner licensure and licensure renewal fees to be set at the statutory fee cap or at graduated levels equal to certain percentages of the actual regulatory costs, whichever is less; amending s. 468.301, F.S.; revising the definition of "direct supervision" applicable to the regulation of radiologic technology; amending s. 468.302, F.S.; authorizing certified nuclear medicine technologists to administer X radiation from certain devices under certain circumstances; exempting certain persons from radiologic technologist certification and providing certain training requirements for such exemption; amending s. 468.352, F.S.; revising and providing definitions applicable to the regulation of respiratory therapy; amending s. 468.355, F.S.; revising provisions relating to respiratory therapy licensure and testing requirements; amending s. 468.368, F.S.; revising exemptions from respiratory therapy licensure requirements; repealing s. 468.356, F.S., relating to the approval of educational programs; repealing s. 468.357, F.S., relating to licensure by examination; requiring applications for health care practitioner licensure and licensure renewal to be submitted electronically beginning July 1, 2003; annually adjusting by 2.5 percent the statutory fee caps applicable to regulation of health care practitioners; renumbering ss. 381.0602, 381.6021, 381.6022, 381.6023, 381.6024, and 381.6026, F.S., and renumbering and amending ss. 381.60225 and 381.6025, F.S., to move provisions relating to organ and tissue procurement, donation, and transplantation to part V, ch. 765, F.S., relating to anatomical gifts; revising cross references, to conform; amending ss. 395.2050, 409.815, 765.5216, and 765.522, F.S.; revising cross references, to conform; creating s. 765.539, F.S.; prohibiting cadaveric organ and tissue procurement organizations from pooling human cells or tissues; providing effective dates.

By the Fiscal Responsibility Council; Representative Lacasa—

CS/HB 1621—A bill to be entitled An act relating to the Spaceport Florida Authority; amending s. 331.308, F.S.; revising membership of and procedures related to the board of supervisors; designating the Lieutenant Governor as the chair of the board of supervisors and as the state's space policy leader; providing an effective date.

By the Fiscal Responsibility Council; Representative Barreiro—

CS/HB 1781—A bill to be entitled An act relating to off-highway vehicles; creating ch. 261, F.S.; creating the T. Mark Schmidt Off-Highway Vehicle Safety and Recreation Act; providing legislative findings and intent; providing definitions; providing functions, duties, and responsibilities of the Department of Agriculture and Consumer Services; providing for rulemaking authority; providing for the publication and distribution of a guidebook; providing for the repair, maintenance, and rehabilitation of areas, trails, and lands; providing for contracts and agreements; providing criteria for recreation areas and trails; providing a penalty; providing for the use of designated off-highway vehicle funds within the Incidental Trust Fund of the Division of Forestry of the department; amending s. 316.2074, F.S.; revising the definition of the term "all-terrain vehicle"; prohibiting the use of all-terrain vehicles on public roadways in the state; providing exceptions; creating the Florida Off-Highway Vehicle Titling Act; providing legislative intent; providing definitions; providing for administration by the Department of Highway Safety and Motor Vehicles; providing for rules, forms, and notices; requiring certificates of title; providing for application for and issuance of certificates of title; providing for

duplicate certificates of title; requiring the furnishing of a manufacturer's statement of origin; providing for fees; providing for disposition of fees; providing authority to refuse to issue and to cancel a certificate of title; providing crimes relating to certificates of title; providing penalties; providing noncriminal infractions; providing penalties; amending s. 375.313, F.S.; deleting fee collection responsibility of the Fish and Wildlife Conservation Commission for registration of off-road vehicles; repealing s. 375.315, F.S., relating to the registration of off-road vehicles by the commission; providing an effective date.

Reports of Councils and Standing Committees

Council Reports

Received March 14:

The Fiscal Responsibility Council recommends council substitutes for the following:
HB 1621
HB 1781

The above council substitutes were placed on the Calendar, subject to review under Rule 6.3, and, under the rule, HBs 1621 and 1781 were laid on the table.

The Council for Healthy Communities recommends a council substitute for the following:
HB 1217

The above council substitute was placed on the Calendar, subject to review under Rule 6.3, and, under the rule, HB 1217 was laid on the table.

Enrolling Reports

HB 1283 has been enrolled, signed by the required constitutional officers, and presented to the Governor on March 14, 2002.

John B. Phelps, Clerk

Communications

The Governor advised that he had filed in the Office of the Secretary of State the following bills which he approved:

March 14—HB 173; CS/HBs 417 and 499

Excused

Rep. Gannon after 5:06 p.m.; Rep. Justice; Rep. Sobel

Adjourned

Pursuant to the motion previously agreed to, the House adjourned at 5:35 p.m., to reconvene at 10:00 a.m., Friday, March 15.