



The Journal OF THE House of Representatives

Number 24

Wednesday, March 20, 2002

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

Prayer

The following prayer was offered by the Reverend Willie Cook of Allen Temple A.M.E. Church of Tampa, upon invitation of Rep. Joyner:

O God, our help in ages past, and our hope for years to come, our shelter from the stormy blast, and our eternal home.

O Lord, our God, how excellent is Your name in all the earth and who set Your glory above the heavens. O eternal God, Creator and preserver of all humankind, the giver of all spiritual grace, we pause now to thank You for our country, our state, and its government. We lift up in prayer these men and women whom You have placed in positions of authority. We pray for our Governor, the Representatives, the Senators, the judges of our communities, and for all those who are in authority over Your people in any way.

We pray, God, that Your spirits will rest upon this House and the hearts of Your servants. We pray, O God, that Your perfect knowledge and wisdom are poured upon these men and women who have come near and far to make laws and policy governing all the people of this great state of Florida.

Lord God, empower, energize, and enlighten this august body of public representatives to do the work that they have been chosen to do. Lord, let them be sensitive and attentive to godly counsel and do that which is right and pleasing in Your sight. We are praying for them to be men and women of integrity, honesty, and obedience to Your divine will of love.

We pray Your spirit of love and peace will guide them throughout this legislative session. We give thanks and highest praise unto You for all the leaders that You have given to us, in the name of the triune God. Amen.

The following Members were recorded present:

Session Vote Sequence: 1096

The Chair	Barreiro	Brummer	Detert
Alexander	Bean	Brutus	Diaz de la Portilla
Allen	Bendross-Mindingall	Bucher	Diaz-Balart
Andrews	Bennett	Bullard	Dockery
Argenziano	Bense	Byrd	Evers
Arza	Benson	Cantens	Farkas
Attkisson	Berfield	Carassas	Fasano
Atwater	Betancourt	Clarke	Fields
Ausley	Bilirakis	Crow	Fiorentino
Baker	Bowen	Cusack	Flanagan
Ball	Brown	Davis	Frankel

Gannon	Johnson	Mayfield	Russell
Garcia	Jordan	Maygarden	Ryan
Gardiner	Joyner	McGriff	Seiler
Gelber	Justice	Meadows	Simmons
Gibson	Kallinger	Mealor	Siplin
Goodlette	Kendrick	Melvin	Slosberg
Gottlieb	Kilmer	Murman	Smith
Green	Kosmas	Needelman	Sobel
Greenstein	Kottkamp	Negron	Sorensen
Haridopolos	Kravitz	Paul	Spratt
Harper	Kyle	Peterman	Stansel
Harrell	Lacasa	Pickens	Trovillion
Harrington	Lee	Prieguez	Wallace
Hart	Lerner	Rich	Waters
Henriquez	Littlefield	Richardson	Weissman
Heyman	Lynn	Ritter	Wiles
Hogan	Machek	Romeo	Wilson
Holloway	Mack	Ross	Wishner
Jennings	Mahon	Rubio	

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

A quorum was present.

Pledge

The Members, led by Christopher A. Cotterell of Tallahassee, L.D. Crow of Dunedin, Benjamin B. Fowler of Groveland, Jeremy C. Fowler of Groveland, Linda Z. Gonzalez of Hialeah, and Amanda Hill of Mt. Dora, pledged allegiance to the Flag. Christopher A. Cotterell served at the invitation of Rep. Ausley. L.D. Crow served at the invitation of his father, Rep. Crow. Benjamin B. Fowler and Jeremy C. Fowler served at the invitation of the Speaker. Linda Z. Gonzalez served at the invitation of Rep. Lacasa. Amanda Hill served at the invitation of Rep. Baker.

House Physician

The Speaker introduced Dr. Lenita Hanson of Port Charlotte, who served in the Clinic today upon invitation of Rep. Paul.

Moment of Silence

The House observed a moment of silence in memory of Marvin Arrington who passed away yesterday. Mr. Arrington was a former House employee and was associated with the law firm of Foley & Lardner. He was well known by many who worked with the Legislature.

Correction of the Journal

The *Journal* of March 19 was corrected and approved as corrected.

Messages from the Senate

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed SB 1946, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By Senator Sebesta—

SB 1946—A bill to be entitled An act relating to public property; amending s. 255.25, F.S.; requiring certain replacement leases to contain a right-to-terminate clause except under specified circumstances; providing an effective date.

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

REPRESENTATIVE BALL IN THE CHAIR

Reports of Councils and Standing Committees

Report of the Procedural & Redistricting Council

*The Honorable Tom Feeney
Speaker, House of Representatives*

March 19, 2002

Mr. Speaker:

Your Procedural & Redistricting Council herewith submits as Special Orders for Wednesday, March 20, 2002. Consideration of the House Bills on Special Orders shall include the Senate Companion Measures on the House Calendar.

- I. Consideration of the following bill(s):
 - SB 332—King
Athlete Agents
 - SB 266—Dyer
Solid Waste Collection
 - SB 2054—Silver
Elaine Gordon Children’s Med. Bldg.
 - CS/SB 188—Smith
Officer Scott Baird Act
 - SB 496—Mitchell
Military/Dependent Education Benefit
 - CS/SB 618—Sanderson
Elections
 - HB 2025—Ritter
Annexation/Unincorporated Areas
 - HB 2027—Wallace
Sales Tax Exemption Review Comm.

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. Goodlette, the rules were waived and **SB 1946, HR 9095, and HR 9105** were added to the end of the Special Order Calendar.

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

Motions Relating to Committee or Council References

On motion by Rep. Goodlette, agreed to by two-thirds vote, CS for SB 428 was withdrawn from the Council for Healthy Communities, placed on the Calendar of the House, and added to the end of the Special Order Calendar.

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

Special Orders

SB 332—A bill to be entitled An act relating to athlete agents; amending s. 468.452, F.S.; redefining the term “athlete agent”; amending s. 468.453, F.S.; revising licensure requirements; providing for service of process on nonresident agents; providing for temporary licenses; amending s. 468.454, F.S.; revising contract requirements; providing for cancellation of contracts; amending s. 468.456, F.S.; providing for increased administrative fines; amending s. 468.45615, F.S.; providing additional criminal penalties for certain acts; amending s. 468.4562, F.S.; revising provisions relating to civil remedies available to colleges and universities for violations of athlete agent regulations; amending s. 468.4565, F.S.; revising business record requirements; repealing s. 468.4563, F.S., relating to authority to require continuing education by athlete agents; repealing s. 468.4564, relating to license display requirements; providing an effective date.

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

SB 266—A bill to be entitled An act relating to solid waste collection; amending s. 165.061, F.S.; clarifying provisions related to the treatment of existing solid waste contracts in areas affected by the merger or incorporation of municipalities; amending s. 316.1975, F.S.; exempting solid-waste or recovered-materials collection vehicles from a prohibition against leaving the engine running when the vehicle is unattended; amending s. 403.70605, F.S.; clarifying the definition of the term “displacement”; providing an effective date.

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

SB 2054—A bill to be entitled An act relating to building designations; designating a building under construction in Tallahassee as the “Elaine Gordon Children’s Medical Services Building”; directing the Department of Health to erect suitable markers; providing an effective date.

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

Session Vote Sequence: 1097

Yeas—116

The Chair	Cantens	Gottlieb	Lee
Alexander	Carassas	Green	Lerner
Allen	Clarke	Greenstein	Littlefield
Andrews	Crow	Haridopolos	Lynn
Argenziano	Cusack	Harper	Machek
Arza	Davis	Harrington	Mack
Attkisson	Detert	Hart	Mahon
Atwater	Diaz de la Portilla	Henriquez	Mayfield
Ausley	Diaz-Balart	Heyman	Maygarden
Baker	Dockery	Hogan	McGriff
Barreiro	Evers	Holloway	Meadows
Bean	Farkas	Jennings	Mealor
Bendross-Mindingall	Fasano	Johnson	Melvin
Bense	Feeney	Jordan	Murman
Benson	Fields	Joyner	Needelman
Berfield	Fiorentino	Justice	Negron
Bilirakis	Flanagan	Kallinger	Paul
Bowen	Frankel	Kendrick	Peterman
Brown	Gannon	Kilmer	Pickens
Brummer	Garcia	Kosmas	Prieguez
Brutus	Gardiner	Kottkamp	Rich
Bucher	Gelber	Kravitz	Richardson
Bullard	Gibson	Kyle	Ritter
Byrd	Goodlette	Lacasa	Romeo

Ross	Simmons	Sorensen	Waters
Rubio	Siplin	Spratt	Weissman
Russell	Slosberg	Stansel	Wiles
Ryan	Smith	Trovillion	Wilson
Seiler	Sobel	Wallace	Wishner

Nays—None

Votes after roll call:

Yeas—Bennett, Betancourt, Harrell

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

CS for SB 188—A bill to be entitled An act relating to manslaughter; amending s. 782.07, F.S.; providing that a person who causes the death, through culpable negligence, of an officer, a firefighter, an emergency medical technician, or a paramedic while the officer, firefighter, emergency medical technician, or paramedic is performing duties of employment commits the offense of aggravated manslaughter; providing an enhanced penalty; 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. Stansel, consideration of **SB 496** was temporarily postponed under Rule 11.10.

CS for SB 618—A bill to be entitled An act relating to elections; amending s. 97.021, F.S.; redefining the term “provisional ballot”; amending s. 97.0555, F.S.; requiring late registration to be done in the office of the supervisor of elections; amending s. 98.045, F.S.; including the statewide voter registration database in provisions governing the administration of voter registration; amending s. 98.0977, F.S.; revising provisions relating to accessing agency data for the statewide voter registration database; amending s. 98.0979, F.S.; revising provisions for requesting and furnishing voter registration information from the statewide voter registration database; amending s. 100.011, F.S.; providing that a voter who is in line when the polls are scheduled to close must be allowed to vote; amending s. 98.255, F.S.; correcting a cross-reference relating to voter rights and responsibilities; amending s. 101.031, F.S.; revising the Voter’s Bill of Rights to clarify that a voter may cast a vote if he or she is in line at the official closing of the polls in the county; eliminating provisions specifying voter responsibilities; amending s. 101.048, F.S.; revising the procedure for completing and canvassing provisional ballots; revising the Provisional Ballot Voter’s Certificate; amending s. 101.151, F.S.; revising specifications for ballots; creating s. 101.2512, F.S.; providing requirements for the printing of candidates’ names on general election ballots; creating s. 101.475, F.S.; prescribing poll-worker procedures where the name of a potential voter is not on the precinct register; amending s. 101.5601, F.S.; revising a reference; amending s. 101.5606, F.S.; revising requirements for voting systems with respect to overvoted and undervoted ballots; amending s. 101.5608, F.S.; revising a reference; amending s. 101.5611, F.S.; modifying voting instruction requirements; amending s. 101.5612, F.S.; revising requirements for sample testing of electronic or electromechanical tabulation devices; correcting terminology; amending s. 101.5614, F.S.; revising provisions for duplicating defective ballots for purposes of tallying valid votes; clarifying the prohibition against releasing the results of an election prior to the closing of the polls; eliminating obsolete provisions; amending s. 101.595, F.S.; limiting the information on voting problems that supervisors of elections are required to report to the Department of State following a general election; amending s. 101.68, F.S.; clarifying the prohibition against releasing the results of a canvassing or processing of absentee ballots prior to the closing of the polls; amending s. 101.69, F.S.; revising requirements for electors who have received absentee ballots but desire to vote in person; amending s. 102.014, F.S.; revising minimum training requirements for poll workers; amending s. 102.141, F.S.; revising times for canvassing boards to submit unofficial returns to the Department of State, including those submitted after a recount has been conducted; providing for the duplication of ballots that are damaged and cannot be counted by the automatic tabulating equipment during a recount; eliminating obsolete provisions; amending s. 102.166, F.S.; revising the date by which a request for a manual recount must be made; requiring

comparison of duplicate ballots with their original ballots during a manual recount; amending s. 46, ch. 2001-40, Laws of Florida; providing campaign finance reporting requirements preceding the 2002 primary election for candidates involved in public campaign financing races; amending s. 105.031, F.S.; providing an earlier qualifying period for candidates for judicial office; repealing s. 101.22, F.S., relating to the voting procedure for paper ballots; repealing s. 101.5615, F.S., relating to recounts and election contests under the “Electronic Voting Systems Act”; repealing s. 101.72, F.S., relating to voting booths and compartments; providing effective dates.

—was read the second time by title.

Representative(s) Goodlette offered the following:

(Amendment Bar Code: 870849)

Amendment 1 (with title amendment)—

Remove everything after the enacting clause

and insert:

Section 1. Section 97.0555, Florida Statutes, is amended to read:

97.0555 Late registration.—An individual or accompanying family member who has been discharged or separated from the uniformed services or *the*, Merchant Marine, or from employment outside the territorial limits of the United States, after the book-closing *date* for an election pursuant to s. 97.055 and who is otherwise qualified, may register to vote in such election until 5 p.m. on the Friday before that election *in the office of the supervisor of elections*. Such persons must produce sufficient documentation showing evidence of qualifying for late registration pursuant to this section. The Department of State shall adopt rules specifying documentation that is sufficient to determine eligibility.

Section 2. Subsections (1) and (3) of section 98.045, Florida Statutes, are amended to read:

98.045 Administration of voter registration.—

(1) Each supervisor must ensure that any eligible applicant for voter registration is registered to vote. Once a voter is registered, the name of that voter may not be removed from the registration books except at the written request of the voter, by reason of the voter’s conviction of a felony or adjudication as mentally incapacitated with respect to voting, by death of the voter, or pursuant to a registration list maintenance program or other registration list maintenance activity conducted pursuant to s. 98.065, ~~or~~ s. 98.075, *or* s. 98.0977.

(3) Notwithstanding the provisions of ss. 98.095, ~~and~~ 98.097, *and* 98.0977 each supervisor shall maintain for at least 2 years, and make available for public inspection and copying, all records concerning implementation of registration list maintenance programs and activities conducted pursuant to ss. 98.065, ~~and~~ 98.075, *and* 98.0977. The records must include lists of the name and address of each person to whom an address confirmation final notice was sent and information as to whether each such person responded to the mailing, but may not include any information that is confidential or exempt from public record requirements under this code.

Section 3. Subsection (4) of section 98.0977, Florida Statutes, is amended to read:

98.0977 Statewide voter registration database; development and maintenance.—

(4) To the maximum extent feasible, state and local government entities shall facilitate provision of information and access to data to the ~~department Florida Association of Court Clerks~~ in order to compare information in the statewide voter registration database with available information in other computer databases, including, but not limited to, databases that contain reliable criminal records and records of deceased persons. State and local governmental agencies that provide such data shall do so without charge if the direct cost incurred by those agencies is not significant.

Section 4. Paragraph (b) of subsection (1) of section 98.0979, Florida Statutes, is amended to read:

98.0979 Statewide voter registration database open to inspection; copies.—

(1)

(b) Within 15 days after a request for voter registration information, the division or supervisor of elections shall furnish any requested information, excluding only a voter's signature, social security number, and such other information that is by statute specifically made confidential or is exempt from public records requirements. A request for county information must be made to the supervisor of elections of that county, and a request for multicounty or statewide information must be made to the division. A supervisor of elections is not responsible for providing any information other than information from the supervisor's own county.

Section 5. Subsection (2) of section 101.031, Florida Statutes, is amended to read:

101.031 Instructions for electors.—

(2) The supervisor of elections in each county shall have posted at each polling place in the county the Voter's Bill of Rights and Responsibilities in the following form:

VOTER'S BILL OF RIGHTS

Each registered voter in this state has the right to:

- 1. Vote and have his or her vote accurately counted.
2. Cast a vote if he or she is in line at the official closing of when the polls in that county are closing.
3. Ask for and receive assistance in voting.
4. Receive up to two replacement ballots if he or she makes a mistake prior to the ballot being cast.
5. An explanation if his or her registration is in question.
6. If his or her registration is in question, cast a provisional ballot.
7. Prove his or her identity by signing an affidavit if election officials doubt the voter's identity.
8. Written instructions to use when voting, and, upon request, oral instructions in voting from elections officers.
9. Vote free from coercion or intimidation by elections officers or any other person.
10. Vote on a voting system that is in working condition and that will allow votes to be accurately cast.

VOTER RESPONSIBILITIES

Each registered voter in this state has the responsibility to:

- 1. Study and know candidates and issues.
2. Keep his or her voter address current.
3. Know his or her precinct and its hours of operation.
4. Bring proper identification to the polling station.
5. Know how to operate voting equipment properly.
6. Treat precinct workers with courtesy.
7. Respect the privacy of other voters.
8. Report problems or violations of election law.
9. Ask questions when confused.
10. Check his or her completed ballot for accuracy.

Section 6. Subsections (2) and (3) of section 101.048, Florida Statutes, are amended to read:

101.048 Provisional ballots.—

(2)(a) The county canvassing board shall examine each provisional ballot envelope to determine if the person voting that ballot was entitled to vote at the precinct where the person cast a vote in the election and that the person had not already cast a ballot in the election.

(b)1. If it is determined that the person was registered and entitled to vote at the precinct where the person cast a vote in the election, the canvassing board shall compare the signature on the provisional ballot envelope with the signature on the voter's registration and, if it matches, shall count the ballot.

2. If it is determined that the person voting the provisional ballot was not registered or entitled to vote at the precinct where the person cast a vote in the election, the provisional ballot shall not be counted and the ballot shall remain in the envelope containing the Provisional Ballot Voter's Certificate and Affirmation and the envelope shall be marked "Rejected as Illegal."

(3) The Provisional Ballot Voter's Certificate and Affirmation shall be in substantially the following form:

STATE OF FLORIDA
COUNTY OF

I do solemnly swear (or affirm) that my name is ; that my date of birth is ; that I am registered to vote and at the time I registered I resided at , in the municipality of , in County, Florida; that I am registered in the Party; that I am a qualified voter of the county; and that I have not voted in this election. I understand that if I commit any fraud in connection with voting, vote a fraudulent ballot, or vote more than once in an election, I can be convicted of a felony of the third degree and fined up to \$5,000 and/or imprisoned for up to 5 years.

. . . . (Signature of Voter). . .
. . . . (Current Residence Address). . .
. . . . (Current Mailing Address). . .
. . . . (City, State, Zip Code). . .

Sworn to and subscribed before me this day of ,
. . . . (year). . . .
. . . . (Clerk or Inspector of Election Official). . .
Precinct # Ballot Style / Party Issued: . . .

Additional information may be provided to further assist the supervisor of elections in determining eligibility. If known, please provide the place and date that you registered to vote.

Section 7. Paragraphs (a) and (c) of subsection (2) of section 101.151, Florida Statutes, are amended to read:

101.151 Specifications for ballots.—

(2)(a) The ballot shall have headings under which shall appear the names of the offices and the names of the duly nominated candidates for the respective offices in the following order: the heading "President and Vice President" and thereunder the names of the candidates for President and Vice President of the United States nominated by the political party that received the highest vote for Governor in the last general election of the Governor in this state. Then shall appear the names of other candidates for President and Vice President of the United States who have been properly nominated. Votes cast for write-in candidates for President and Vice President shall be counted as votes cast for the presidential electors supporting such candidates. Then shall follow the heading "Congressional" and thereunder the offices of United States Senator and Representative in Congress; then the heading "State" and thereunder the offices of Governor and Lieutenant Governor, Secretary of State, Attorney General, Chief Financial Officer, Comptroller, Treasurer, Commissioner of Education, Commissioner of Agriculture, state attorney, and public defender, together with the names of the candidates for each office and the title of the office which they seek; then the heading "Legislative" and thereunder the offices of state senator and state representative; then the heading "County" and

thereunder clerk of the circuit court, clerk of the county court (when authorized by law), sheriff, property appraiser, tax collector, district superintendent of schools, and supervisor of elections. Thereafter follows: members of the board of county commissioners, and such other county and district offices as are involved in the general election, in the order fixed by the Department of State, followed, in the year of their election, by "Party Offices," and thereunder the offices of state and county party executive committee members. *In a general election*, in addition to the names printed on the ballot, a blank space shall be provided under each heading for an office for which a write-in candidate has qualified. With respect to write-in candidates, if two or more candidates are seeking election to one office, only one blank space shall be provided.

(c) If in any election all the offices as set forth in paragraph (a) are not involved, those offices *not* to be filled shall be *omitted and the remaining offices shall be arranged* on the ballot in the order named.

Section 8. Section 101.2512, Florida Statutes, is created to read:

101.2512 *Candidates' names on general election ballots.—*

(1) *The supervisor of elections shall print on the general election ballot the names of candidates nominated by primary election or special primary election or the names of candidates selected by the appropriate executive committee of any political party pursuant to the requirements of this code.*

(2) *In addition to the names printed on the ballot as provided in subsection (1), the supervisor of elections shall print on the general election ballot the names of each nonpartisan candidate, minor party candidate, or candidate with no party affiliation who has obtained a position on the general election ballot in compliance with the requirements of this code.*

Section 9. Section 101.5601, Florida Statutes, is amended to read:

101.5601 Short title.—Sections 101.5601-101.5614 may be cited 101.5601 through 101.5615 shall be known as the "Electronic Voting Systems Act."

Section 10. Effective September 2, 2002, subsections (3) and (4) of section 101.5606, Florida Statutes, as amended by section 18 of chapter 2001-40, Laws of Florida, are amended to read:

101.5606 Requirements for approval of systems.—No electronic or electromechanical voting system shall be approved by the Department of State unless it is so constructed that:

(3) *It immediately rejects* ~~The automatic tabulating equipment shall be set to reject a ballot and provide the elector an opportunity to correct the ballot where the number of votes for an office or measure exceeds the number which the voter is entitled to cast or where the tabulating equipment reads the ballot as a ballot with no votes cast.~~

(4) *For systems using paper ballots, it accepts a rejected ballot pursuant to subsection (3) if a voter chooses to cast the ballot, but records no vote for any office that has been overvoted or undervoted.* ~~For rejected ballots that voters choose to cast, the automatic tabulating equipment will be set to accept the ballot and reject all votes for any office or measure when the number of votes therefor exceeds the number which the voter is entitled to cast or when the voter is not entitled to cast a vote for the office or measure.~~

Section 11. Paragraph (b) of subsection (2) of section 101.5608, Florida Statutes, is amended to read:

101.5608 Voting by electronic or electromechanical method; procedures.—

(2) When an electronic or electromechanical voting system utilizes a ballot card or paper ballot, the following procedures shall be followed:

(b) Any voter who spoils his or her ballot or makes an error may return the ballot to the election official and secure another ballot, except that in no case shall a voter be furnished more than three ballots. If the vote tabulation device has rejected a ballot, the ballot shall be

considered spoiled and a new ballot shall be provided to the voter unless the voter chooses to cast the rejected ballot. The election official, without examining the original ballot, shall state the possible reasons for the rejection and *shall provide instruction to direct the voter to the instruction model provided at the precinct* pursuant to s. 101.5611. A spoiled ballot shall be preserved, without examination, in an envelope provided for that purpose. The stub shall be removed from the ballot and placed in an envelope.

Section 12. Section 101.5611, Florida Statutes, is amended to read:

101.5611 Instructions to electors.—

(1) ~~For the instruction of voters on election day,~~ The supervisor of elections shall provide *instruction* at each polling place ~~regarding one instruction model illustrating the manner of voting with the system. In instructing voters, no precinct official may favor any political party, candidate, or issue. Such instruction~~ *Each such instruction model shall show the arrangement of candidates party rows, office columns, and questions to be voted on. Additionally, the supervisor of elections shall provide instruction on the proper method of casting a ballot for the specific voting system utilized in that jurisdiction. Such instruction model shall be provided* located at a place which voters must pass to reach the official voting booth.

(2) ~~Before entering the voting booth each voter shall be offered instruction in voting by use of the instruction model, and the voter shall be given ample opportunity to operate the model by himself or herself. In instructing voters, no precinct official may show partiality to any political party or candidate.~~

(2)(3) The supervisor of elections shall have posted at each polling place a notice that reads: "A person who commits or attempts to commit any fraud in connection with voting, votes a fraudulent ballot, or votes more than once in an election can be convicted of a felony of the third degree and fined up to \$5,000 and/or imprisoned for up to 5 years."

Section 13. Paragraphs (a) and (d) of subsection (4) of section 101.5612, Florida Statutes, are amended to read:

101.5612 Testing of tabulating equipment.—

(4)(a)1. For electronic or electromechanical voting systems configured to include electronic or electromechanical tabulation devices which are distributed to the precincts, all or a sample of the devices to be used in the election shall be publicly tested. If a sample is to be tested, the sample shall consist of a random selection of at least 5 percent of the devices for an optical scan system or 2 percent of the devices for a touchscreen system or 10 of the devices for either system, as applicable, whichever is greater. The test shall be conducted by processing a group of ballots, causing the device to output results for the ballots processed, and comparing the output of results to the results expected for the ballots processed. The group of ballots shall be produced so as to record a predetermined number of valid votes for each candidate and on each measure and to include for each office one or more ballots which have activated voting positions in excess of the number allowed by law in order to test the ability of the tabulating device to reject such votes.

2. If any tested tabulating device is found to have an error in tabulation, it shall be deemed unsatisfactory. For each device deemed unsatisfactory, the canvassing board shall take steps to determine the cause of the error, shall attempt to identify and test other devices that could reasonably be expected to have the same error, and shall test a number of additional devices sufficient to determine that all devices are satisfactory. Upon deeming any device unsatisfactory, the canvassing board may require all devices to be tested or may declare that all devices are unsatisfactory.

3. If the operation or output of any tested tabulation device, such as spelling or the order of candidates on a report, is in error, such problem shall be reported to the canvassing board. The canvassing board shall then determine if the reported problem warrants its deeming the device unsatisfactory.

(d) Any tabulating device deemed unsatisfactory shall be *recoded* ~~reprogrammed~~, repaired, or replaced and shall be made available for

retesting. Such device must be determined by the canvassing board or its representative to be satisfactory before it may be used in any election. The canvassing board or its representative shall announce at the close of the first testing the date, place, and time that any unsatisfactory device will be retested or may, at the option of the board, notify by telephone each person who was present at the first testing as to the date, place, and time that the retesting will occur.

Section 14. Subsections (5) and (9) of section 101.5614, Florida Statutes, are amended to read:

101.5614 Canvass of returns.—

(5) ~~If any absentee ballot card of the type for which the offices and measures are not printed directly on the card is physically damaged or defective so that it cannot properly be counted by the automatic tabulating equipment, a true duplicate copy shall be made of the damaged ballot card in the presence of witnesses and substituted for the damaged ballot. Likewise, a duplicate ballot card shall be made of an absentee ballot containing an overvoted race or a marked absentee ballot in which every race is undervoted which shall include all valid votes as determined by the canvassing board based on rules adopted by the division pursuant to s. 102.166(5). All duplicate ballots shall be clearly labeled "duplicate," bear a serial number which shall be recorded on the defective ballot, and be counted in lieu of the defective ballot a defective ballot which shall not include the invalid votes. All duplicate ballot cards shall be clearly labeled "duplicate," bear a serial number which shall be recorded on the damaged or defective ballot card, and be counted in lieu of the damaged or defective ballot. If any ballot card of the type for which offices and measures are printed directly on the card is damaged or defective so that it cannot properly be counted by the automatic tabulating equipment, a true duplicate copy may be made of the damaged ballot card in the presence of witnesses and in the manner set forth above, or the valid votes on the damaged ballot card may be manually counted at the counting center by the canvassing board, whichever procedure is best suited to the system used. If any paper ballot is damaged or defective so that it cannot be counted properly by the automatic tabulating equipment, the ballot shall be counted manually at the counting center by the canvassing board. The totals for all such ballots or ballot cards counted manually shall be added to the totals for the several precincts or election districts. No vote shall be declared invalid or void if there is a clear indication on the ballot that the voter has made a definite choice as determined by the canvassing board. After duplicating a ballot has been duplicated, the defective ballot shall be placed in an envelope provided for that purpose, and the duplicate ballot shall be tallied with the other ballots for that precinct.~~

(9) Any supervisor of elections, deputy supervisor of elections, canvassing board member, election board member, or election employee who releases the results of any election prior to the closing of the polls in that county on election day commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 15. Effective September 2, 2002, subsection (1) of section 101.5614, Florida Statutes, as amended by section 22 of chapter 2001-40, Laws of Florida, is amended to read:

101.5614 Canvass of returns.—

(1) ~~In precincts in which an electronic or electromechanical voting system is used, As soon as the polls are closed, the election board shall secure the voting devices against further voting. The election board shall thereafter, open the ballot box in the presence of members of the public desiring to witness the proceedings, verify and count the number of voted ballots, unused ballots, provisional ballots, and spoiled ballots to ascertain whether such number corresponds with the number of ballots issued by the supervisor. If there is a difference, this fact shall be reported in writing to the county canvassing board with the reasons therefor if known. The total number of voted ballots shall be entered on the forms provided. The proceedings of the election board at the precinct after the polls have closed shall be open to the public; however, no person except a member of the election board shall touch any ballot or ballot container or interfere with or obstruct the orderly count of the ballots.~~

Section 16. Section 101.595, Florida Statutes, is amended to read:

101.595 Analysis and reports of voting problems ~~voter error~~.—

(1) No later than December 15 of each general election year, the supervisor of elections in each county shall report ~~on voter errors~~ to the Department of State *the total number of overvotes and undervotes in the first race appearing on the ballot pursuant to s. 101.151(2)*, along with the likely reasons for *such overvotes and undervotes* ~~the errors~~ and other information as may be useful in evaluating the performance of the voting system and identifying problems with ballot design and instructions which may have contributed to voter confusion.

(2) The Department of State, upon receipt of such information, shall prepare a public report on the performance of each type of voting system. The report must contain, but is not limited to, the following information:

- (a) An identification of problems with the ballot design or instructions which may have contributed to voter confusion;
- (b) An identification of voting system design problems; and
- (c) Recommendations for correcting any problems identified.

(3) The Department of State shall submit the report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 31 of each year following a general election.

Section 17. Paragraph (a) of subsection (2) of section 101.68, Florida Statutes, is amended to read:

101.68 Canvassing of absentee ballot.—

(2)(a) The county canvassing board may begin the canvassing of absentee ballots at 7 a.m. on the fourth day before the election, but not later than noon on the day following the election. In addition, for any county using electronic tabulating equipment, the processing of absentee ballots through such tabulating equipment may begin at 7 a.m. on the fourth day before the election. However, notwithstanding any such authorization to begin canvassing or otherwise processing absentee ballots early, no result shall be released until after the closing of the polls in that county on election day. Any supervisor of elections, deputy supervisor of elections, canvassing board member, election board member, or election employee who releases the results of a canvassing or processing of absentee ballots prior to the closing of the polls in that county on election day commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 18. Section 101.69, Florida Statutes, is amended to read:

101.69 Voting in person; return of absentee ballot.—The provisions of this code shall not be construed to prohibit any elector from voting in person at the elector's precinct on the day of an election notwithstanding that the elector has requested an absentee ballot for that election. An elector who has received an absentee ballot, but desires to vote in person, shall return the ballot, whether voted or not, to the election board in the elector's precinct. The returned ballot shall be marked "canceled" by the board and placed with other canceled ballots. However, if the elector ~~does not is unable to~~ return the ballot and the election official:

(1) *Confirms that the supervisor has received the elector's absentee ballot, the elector shall not be allowed to vote in person.*

(2) *Confirms that the supervisor has not received the elector's absentee ballot, the elector shall be allowed to vote in person as provided in this code. The elector's absentee ballot, if subsequently received, shall not be counted and shall remain in the mailing envelope, and the envelope shall be marked "Rejected as Illegal."*

(3) *Cannot determine whether the supervisor has received the elector's absentee ballot, the elector may vote a provisional ballot as provided in s. 101.048.*

Section 19. Subsection (4) of section 102.014, Florida Statutes, is amended to read:

102.014 Poll worker recruitment and training.—

(4) Each supervisor of elections shall be responsible for training inspectors and clerks, subject to the following minimum requirements:

(a) No clerk shall be entitled to work at the polls unless he or she has had a minimum of 3 6 hours of training *prior to each election during a general election year, at least 2 hours of which must occur after June 1 of that year.*

(b) No inspector shall work at the polls unless he or she has had a minimum of 2 3 hours of training *prior to each election during a general election year, at least 1 hour of which must occur after June 1 of that year.*

(c) *For the purposes of this subsection, the first and second primary elections shall be considered one election.*

Section 20. Subsection (2) of section 102.141, Florida Statutes, reads, and subsections (4) and (6) of said section are amended to read:

102.141 County canvassing board; duties.—

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

(4) The canvassing board shall submit unofficial returns to the Department of State for each federal, statewide, state, or multicounty office or ballot measure no later than noon on the *second* day after any primary, general, special, or other election. *Such returns shall include the canvass of all ballots as required by subsection (2).*

(6) If the unofficial returns reflect that a candidate for any office was defeated or eliminated by one-half of a percent or less of the votes cast for such office, that a candidate for retention to a judicial office was retained or not retained by one-half of a percent or less of the votes cast on the question of retention, or that a measure appearing on the ballot was approved or rejected by one-half of a percent or less of the votes cast on such measure, the board responsible for certifying the results of the vote on such race or measure shall order a recount of the votes cast with respect to such office or measure. A recount need not be ordered with respect to the returns for any office, however, if the candidate or candidates defeated or eliminated from contention for such office by one-half of a percent or less of the votes cast for such office request in writing that a recount not be made.

(a) In counties with voting systems that use ~~ballot cards or~~ paper ballots, each canvassing board responsible for conducting a recount shall put each ballot through ~~the~~ automatic tabulating equipment ~~for each precinct in which the office or issue appeared on the ballot and~~ determine whether the returns correctly reflect the votes cast. *If any paper ballot is physically damaged so that it cannot be properly counted by the automatic tabulating equipment during the recount, a true duplicate shall be made of the damaged ballot pursuant to the procedures in s. 101.5614(5).* Immediately before the start of the recount and after completion of the count, a test of the tabulating equipment shall be conducted as provided in s. 101.5612. If the test indicates no error, the recount tabulation of the ballots cast shall be presumed correct and such votes shall be canvassed accordingly. If an error is detected, the cause thereof shall be ascertained and corrected and the recount repeated, as necessary. The canvassing board shall immediately

report the error, along with the cause of the error and the corrective measures being taken, to the Department of State. No later than 11 days after the election, the canvassing board shall file a separate incident report with the Department of State, detailing the resolution of the matter and identifying any measures that will avoid a future recurrence of the error.

(b) In counties with voting systems that do not use ~~ballot cards or~~ paper ballots, each canvassing board responsible for conducting a recount shall examine the counters on the precinct tabulators to ensure that the total of the returns on the precinct tabulators equals the overall election return. If there is a discrepancy between the overall election return and the counters of the precinct tabulators, the counters of the precinct tabulators shall be presumed correct and such votes shall be canvassed accordingly.

(c) The canvassing board shall submit a second set of unofficial returns to the Department of State for each federal, statewide, state, or multicounty office or ballot measure no later than noon on the *third second* day after any election in which a recount was conducted pursuant to this subsection. If the canvassing board is unable to complete the recount prescribed in this subsection by the deadline, the second set of unofficial returns submitted by the canvassing board shall be identical to the initial unofficial returns and the submission shall also include a detailed explanation of why it was unable to timely complete the recount. However, the canvassing board shall complete the recount prescribed in this subsection, along with any manual recount prescribed in s. 102.166, and certify election returns in accordance with the requirements of this chapter.

Section 21. Paragraph (a) of subsection (2) and subsection (6) of section 102.166, Florida Statutes, are amended to read:

102.166 Manual recounts.—

(2)(a) If the second set of unofficial returns pursuant to s. 102.141 indicates that a candidate for any office was defeated or eliminated by between one-quarter and one-half of a percent of the votes cast for such office, that a candidate for retention to judicial office was retained or not retained by between one-quarter and one-half of a percent of the votes cast on the question of retention, or that a measure appearing on the ballot was approved or rejected by between one-quarter and one-half of a percent of the votes cast on such measure, any such candidate, the political party of such candidate, or any political committee that supports or opposes such ballot measure is entitled to a manual recount of the overvotes and undervotes cast in the entire geographic jurisdiction of such office or ballot measure, provided that a request for a manual recount is made by 5 p.m. on the *third second* day after the election.

(6) Procedures for a manual recount are as follows:

(a) The county canvassing board shall appoint as many counting teams of at least two electors as is necessary to manually recount the ballots. A counting team must have, when possible, members of at least two political parties. A candidate involved in the race shall not be a member of the counting team.

(b) *Each duplicate ballot prepared pursuant to s. 101.5614(5) or s. 102.141(6) shall be compared with the original ballot to ensure the correctness of the duplicate.*

(c)(b) If a counting team is unable to determine whether the ballot contains a clear indication that the voter has made a definite choice, the ballot shall be presented to the county canvassing board for a determination.

(d)(c) The Department of State shall adopt detailed rules prescribing additional recount procedures for each certified voting system which shall be uniform to the extent practicable. The rules shall address, at a minimum, the following areas:

1. Security of ballots during the recount process;
2. Time and place of recounts;

3. Public observance of recounts;
4. Objections to ballot determinations;
5. Record of recount proceedings; and
6. Procedures relating to candidate and petitioner representatives.

Section 22. Paragraph (b) of subsection (4) of section 46 of chapter 2001-40, Laws of Florida, is amended to read:

Section 46.

(4)

(b) *For the 2002 elections*, following the last day of qualifying for office, any statewide candidate who has requested to receive contributions from the Election Campaign Financing Trust Fund or any statewide candidate in a race with a candidate who has requested to receive contributions from the trust fund shall file reports on the 4th, 11th, 18th, 25th, and 32nd days immediately preceding the primary election and on the 4th, 11th, 18th, 25th, 32nd, 39th, 46th, and 53rd days prior to the general election.

Section 23. Subsection (1) of section 105.031, Florida Statutes, is amended to read:

105.031 Qualification; filing fee; candidate's oath; items required to be filed.—

(1) **TIME OF QUALIFYING.**—Except for candidates for judicial office, nonpartisan candidates for multicounty office shall qualify with the Division of Elections of the Department of State and nonpartisan candidates for countywide or less than countywide office shall qualify with the supervisor of elections. Candidates for judicial office other than the office of county court judge shall qualify with the Division of Elections of the Department of State, and candidates for the office of county court judge shall qualify with the supervisor of elections of the county. *Candidates for judicial office shall qualify no earlier than noon of the 120th day, and no later than noon of the 116th day, before the first primary election. Candidates for the office of school board member shall qualify no earlier than noon of the 50th day, and no later than noon of the 46th day, before the first primary election. Filing shall be on forms provided for that purpose by the Division of Elections and furnished by the appropriate qualifying officer. Any person seeking to qualify by the alternative method, as set forth in s. 105.035, if the person has submitted the necessary petitions by the required deadline and is notified after the fifth day prior to the last day for qualifying that the required number of signatures has been obtained, shall be entitled to subscribe to the candidate's oath and file the qualifying papers at any time within 5 days from the date he or she is notified that the necessary number of signatures has been obtained. Any person other than a write-in candidate who qualifies within the time prescribed in this subsection shall be entitled to have his or her name printed on the ballot.*

Section 24. *Sections 101.22, 101.5615, and 101.72, Florida Statutes, are repealed.*

Section 25. Except as otherwise provided herein, 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 elections; amending s. 97.0555, F.S.; requiring late registration to be done in the office of the supervisor of elections; amending s. 98.045, F.S.; including the statewide voter registration database in provisions governing the administration of voter registration; amending s. 98.0977, F.S.; revising provisions relating to accessing agency data for the statewide voter registration database; amending s. 98.0979, F.S.; revising provisions for requesting and furnishing voter registration information from the statewide voter registration database; amending s. 101.031, F.S.; revising the Voter's Bill of Rights; amending s. 101.048, F.S.; revising the procedure for canvassing provisional ballots; revising the

Provisional Ballot Voter's Certificate; amending s. 101.151, F.S.; revising specifications for ballots; creating s. 101.2512, F.S.; providing requirements for the printing of candidates' names on general election ballots; amending s. 101.5601, F.S.; revising a reference; amending s. 101.5606, F.S.; revising requirements for voting systems with respect to overvoted and undervoted ballots; amending s. 101.5608, F.S.; revising a reference; amending s. 101.5611, F.S.; requiring direct voting instruction instead of provision of a voting instruction model; amending s. 101.5612, F.S.; revising requirements for sample testing of electronic or electromechanical tabulation devices; correcting terminology; amending s. 101.5614, F.S.; revising provisions for duplicating defective ballots for purposes of tallying valid votes; clarifying the prohibition against releasing the results of an election prior to the closing of the polls; eliminating obsolete provisions; amending s. 101.595, F.S.; limiting the information on voting problems that supervisors of elections are required to report to the Department of State following a general election; amending s. 101.68, F.S.; clarifying the prohibition against releasing the results of a canvassing or processing of absentee ballots prior to the closing of the polls; amending s. 101.69, F.S.; revising requirements for electors who have received absentee ballots but desire to vote in person; amending s. 102.014, F.S.; revising minimum training requirements for poll workers; amending s. 102.141, F.S.; revising times for canvassing boards to submit unofficial returns to the Department of State, including those submitted after a recount has been conducted; providing for the duplication of ballots that are damaged and cannot be counted by the automatic tabulating equipment during a recount; eliminating obsolete provisions; amending s. 102.166, F.S.; revising the date by which a request for a manual recount must be made; requiring comparison of duplicate ballots with their original ballots during a manual recount; amending s. 46, ch. 2001-40, Laws of Florida; providing campaign finance reporting requirements preceding the 2002 primary election for candidates involved in public campaign financing races; amending s. 105.031, F.S.; providing an earlier qualifying period for candidates for judicial office; repealing s. 101.22, F.S., relating to the voting procedure for paper ballots; repealing s. 101.5615, F.S., relating to recounts and election contests under the "Electronic Voting Systems Act"; repealing s. 101.72, F.S., relating to voting booths and compartments; providing effective dates.

Rep. Goodlette moved the adoption of the amendment.

Representative(s) Smith offered the following:

(Amendment Bar Code: 291579)

Amendment 1 to Amendment 1 (with title amendment)—On page 3, line 25, through page 5, line 6, remove: all of said lines

and insert:

Section 5. Subsection (2) of section 101.031, Florida Statutes, is amended to read:

101.031 Instructions for electors.—

(2) The supervisor of elections in each county shall have posted at each polling place in the county the Voter's Bill of Rights and Responsibilities in the following form:

VOTER'S BILL OF RIGHTS

Each registered voter in this state has the right to:

1. Vote and have his or her vote accurately counted.
2. Cast a vote if he or she is in line *at the official closing of* ~~when~~ the polls *in that county are closing*.
3. Ask for and receive assistance in voting.
4. Receive up to two replacement ballots if he or she makes a mistake prior to the ballot being cast.
5. An explanation if his or her registration is in question.
6. If his or her registration is in question, cast a provisional ballot.

7. Prove his or her identity by signing an affidavit if election officials doubt the voter's identity.
8. Written instructions to use when voting, and, upon request, oral instructions in voting from elections officers.
9. Vote free from coercion or intimidation by elections officers or any other person.
10. Vote on a voting system that is in working condition and that will allow votes to be accurately cast.

VOTER RESPONSIBILITIES

Each registered voter in this state ~~should~~ ~~has the responsibility to:~~

1. ~~Familiarize himself or herself with the Study and know~~ candidates and issues.
2. ~~Maintain with the office of the supervisor of elections a Keep his or her voter address~~ current address.
3. Know ~~the location of his or her polling place precinct~~ and its hours of operation.
4. Bring proper identification to the polling station.
5. ~~Familiarize himself or herself with the operation of the Know how to operate~~ voting equipment in his or her precinct ~~properly~~.
6. Treat precinct workers with courtesy.
7. Respect the privacy of other voters.
8. Report ~~any~~ problems or violations of election laws to the supervisor of elections ~~law~~.
9. Ask questions, ~~if needed when confused~~.
10. ~~Make sure that Check~~ his or her completed ballot is correct before leaving the polling station ~~for accuracy~~.

NOTE TO VOTER: Failure to perform any of these responsibilities does not prohibit a voter from voting.

And the title is amended as follows:

On page 24, line 29, of the amendment
remove: Rights;

and insert: Rights and Responsibilities;

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

Representative(s) Smith, Joyner, Gannon, and Fields offered the following:

(Amendment Bar Code: 514893)

Amendment 2 to Amendment 1 (with directory language and title amendments)—On page 6, line 27, of the amendment

insert:

(5) *In a year of apportionment, at all elections, a voter claiming to be properly registered in the county and eligible to vote in the election, but whose eligibility cannot be determined, shall be entitled to vote a provisional ballot in the county in which the voter claims to be registered. The provisional ballot of a voter who is otherwise entitled to vote shall not be rejected because the voter did not cast his or her ballot in the precinct of his or her legal residence. However, if the voter voted a ballot to which he or she was not entitled, the canvassing board shall duplicate the ballot for the races that the voter was entitled to vote in the precinct of his or her legal residence and count the races for which the voter was entitled to vote. Notwithstanding any other provision of law to the contrary, the canvassing of provisional ballots voted pursuant to this subsection and the submission of their returns to the department shall be subject only to the deadlines set forth in s. 102.112(2).*

And the directory language is amended as follows:

On page 5, line 8,
remove: amended

and insert: amended, and subsection (5) is added to said section,

And the title is amended as follows:

On page 25, line 1, after the semicolon of the amendment
insert: providing requirements for the voting, canvassing, and submission of returns of provisional ballots voted in a year of apportionment;

Rep. Smith moved the adoption of the amendment to the amendment, which failed of adoption. The vote was:

Session Vote Sequence: 1098

Yeas—44

Ausley	Gottlieb	Lee	Ryan
Bendross-Mindingall	Greenstein	Lerner	Seiler
Betancourt	Harper	Lynn	Siplin
Brutus	Henriquez	Machek	Slosberg
Bucher	Heyman	McGriff	Smith
Bullard	Holloway	Meadows	Sobel
Cusack	Jennings	Peterman	Stansel
Fields	Joyner	Rich	Weissman
Frankel	Justice	Richardson	Wiles
Gannon	Kendrick	Ritter	Wilson
Gelber	Kosmas	Romeo	Wishner

Nays—75

The Chair	Byrd	Goodlette	Maygarden
Alexander	Cantens	Green	Mealor
Allen	Carassas	Haridopolos	Melvin
Andrews	Clarke	Harrell	Murman
Argenziano	Crow	Harrington	Needelman
Arza	Davis	Hart	Negron
Attkisson	Detert	Hogan	Paul
Atwater	Diaz de la Portilla	Johnson	Pickens
Baker	Diaz-Balart	Jordan	Prieguez
Barreiro	Dockery	Kallinger	Ross
Bean	Evers	Kilmer	Rubio
Bennett	Farkas	Kottkamp	Russell
Bense	Fasano	Kravitz	Simmons
Benson	Feeney	Kyle	Sorensen
Berfield	Fiorentino	Lacasa	Spratt
Bilirakis	Flanagan	Littlefield	Trovillion
Bowen	Garcia	Mack	Wallace
Brown	Gardiner	Mahon	Waters
Brummer	Gibson	Mayfield	

Representative(s) Ryan offered the following:

(Amendment Bar Code: 104581)

Amendment 3 to Amendment 1 (with title amendment)—On page 24, between lines 4 and 5,

insert:

Section 25. Subsection (3) of section 106.11, Florida Statutes, is amended to read:

106.11 Expenses of and expenditures by candidates and political committees.—Each candidate and each political committee which designates a primary campaign depository pursuant to s. 106.021(1) shall make expenditures from funds on deposit in such primary campaign depository only in the following manner, with the exception of expenditures made from petty cash funds provided by s. 106.12:

(3) No candidate, campaign manager, treasurer, deputy treasurer, or political committee or any officer or agent thereof, or any person

acting on behalf of any of the foregoing, shall authorize any expenses, nor shall any campaign treasurer or deputy treasurer sign a check drawn on the primary campaign account for any purpose, unless there are sufficient funds on deposit in the primary depository account of the candidate or political committee to pay the full amount of the authorized expense, to honor all other checks drawn on such account, which checks are outstanding, and to meet all expenses previously authorized but not yet paid. However, an expense may be incurred for the purchase of goods or services if there are sufficient funds on deposit in the primary depository account to pay the full amount of the incurred expense, to honor all checks drawn on such account, which checks are outstanding, and to meet all other expenses previously authorized but not yet paid, provided that payment for such goods or services is made upon final delivery and acceptance of the goods or services; and an expenditure from petty cash pursuant to the provisions of s. 106.12 may be authorized, if there is a sufficient amount of money in the petty cash fund to pay for such expenditure. Payment for credit card purchases shall be made pursuant to s. 106.125. Any expense incurred or authorized in excess of such funds on deposit shall, in addition to other penalties provided by law, constitute a violation of this chapter. *As used in this subsection, the term "sufficient funds on deposit in the primary depository account of the candidate or political committee" means that the funds at issue have been delivered for deposit to the financial institution at which such account is maintained. The term shall not be construed to mean that such funds are available for withdrawal in accordance with the deposit rules or the funds availability policies of such financial institution.*

And the title is amended as follows:

On page 26, line 28, after the semicolon, of the amendment

insert: amending s. 106.11, F.S.; defining the term "sufficient funds on deposit in the primary depository account of the candidate or political committee";

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

Representative(s) Gannon offered the following:

(Amendment Bar Code: 271535)

Amendment 4 to Amendment 1 (with title amendment)—On page 24, between lines 4 and 5, of the amendment

insert:

Section 25. Section 101.635, Florida Statutes, is amended to read:

101.635 Distribution of blocks of printed ballots.—In any county in which the supervisor of elections maintains deputies in a municipality other than the county seat and such municipality has a population in excess of 90,000, blocks of numbered ballots shall be made available as required and as the supervisor may direct, in order to comply with the provisions of s. 98.181. All ballots made available in any such municipality shall be fully accounted for to the supervisor. *This section does not permit the supervisor to deny a local political party's requests for absentee ballots.*

And the title is amended as follows:

On page 26, line 28, after the semicolon, of the amendment

insert: amending s. 101.635, F.S.; prohibiting denial of local political party requests for absentee ballots;

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

THE SPEAKER IN THE CHAIR

Representative(s) Cusack and Wiles offered the following:

(Amendment Bar Code: 452865)

Amendment 5 to Amendment 1 (with title amendment)—On page 24, between lines 4 and 5, of the amendment

insert:

Section 25. *Clear indication of voter's choice on a ballot.*—

(1) *The standards to determine voter intent in a manual recount as provided specifically by s. 102.166, Florida Statutes, are as provided in this section.*

(2) *The following are guidelines for determining on an optical scan voting system whether or not there is a clear indication on the ballot that the voter has made a definite choice:*

(a) *Ballots must be marked in pen or pencil.*

(b) *If a ballot is marked with a color or device that does not permit an accurate machine count, that vote shall count.*

(c) *If a voter circles the oval or arrow next to a candidate or issue, the vote for that candidate or issue shall count.*

(d) *If a voter circles or underlines the name of a candidate, the vote shall count for that candidate.*

(e) *If a voter circles or underlines the name of a party next to a candidate's name, the vote shall count for that candidate.*

(f) *If there is an "X," a check mark, a diagonal, horizontal, or vertical mark, a plus sign, an asterisk, a star, or any other mark that is substantially contained in the oval, touching the oval or arrow, or within the blank space between the head and tail of the arrow that clearly indicates the voter intended the oval or arrow to be marked, that vote shall count.*

(g) *If a voter marks more candidates than there are positions to be elected for that office, the votes for the candidates of that office shall not count.*

(h) *If a voter marks fewer candidates than there are offices, the votes for all of those candidates shall count.*

(i) *If a voter does not mark a candidate or issue, the votes for other candidates or issues on the same ballot that are validly marked shall be counted.*

(j) *If a voter attempts to correct the ballot in a way that is clearly evident in the space where the voter could indicate a ballot choice by completing the target area, and the voter has clearly and properly voted for another candidate or issue, the vote for the clearly and properly voted candidate or issue shall count.*

(k) *If a voter has indicated in a clear fashion that a mistake has been made and has attempted to correct it, by either an "X" or equivalent mark to cross out a choice, and the voter has clearly and properly voted for another candidate or issue, the vote for the clearly and properly voted candidate or issue shall count.*

(l) *If the voter has made one or more stray marks that are clearly unrelated to the voter's intent to vote for a candidate or issue and the marks are visible in the read area of the ballot, the marks shall not invalidate the ballot.*

(m) *If the voter writes on the ballot in a way that interferes with the ability of the automatic tabulating equipment to correctly read the ballot, and the writing is clearly unrelated to the voter's intent to vote for a candidate or issue, the writings shall not invalidate the ballot.*

(n) *An otherwise valid vote cast for a write-in candidate shall not be invalid if the voting position on the ballot marked "WRITE-IN CANDIDATE" for that office has not been marked by the marking device.*

(o) *A name written on the secrecy envelope or elsewhere on the ballot that is not the name of a qualified write-in candidate for that office or is otherwise invalid shall not be considered a write-in vote for the purposes of determining if an office has been overvoted.*

(p) *If a voter casts a vote on the ballot and also provides for a write-in candidate, it shall be treated as follows:*

1. If a voter casts a vote on a ballot and writes in the same candidate in the write-in area, the vote shall count for that candidate.

2. If a voter casts a vote on a ballot and writes in a different candidate in the write-in area, it shall be counted as an overvote with neither candidate getting credit for a vote.

3. If a voter writes in the name of a person who is not a qualified write-in candidate, it shall be treated as if the write-in area was left blank for all purposes.

(q) Any abbreviation, misspelling, or other minor variation in the form of the name of a candidate must be disregarded in determining the validity of the ballot if it can reasonably be determined that the write-in vote is for a write-in candidate who has qualified for that office.

(r) Where Florida law requires that a candidate, such as that of Governor, must run on a tandem ticket for an office, the write-in of the last name of the candidate for Governor shall be sufficient to cast a write-in vote for the tandem office. This includes candidates for President and Vice President who have filed the oath for write-in candidates and a list of electors equal to the number of Senators and Representatives that Florida has in Congress. The write-in of the last name of the candidate for President shall be sufficient to cast a write-in ballot for this type of tandem office.

(s) If an absentee ballot is signed by the voter in a way that identifies the voter, the ballot shall count. However, the ballot must be duplicated to protect the integrity of the voter's ballot.

(3) The following are guidelines for determining on a direct recording voting system whether or not there is a clear indication on the ballot that the voter has made a definite choice:

(a) Any abbreviation, misspelling, or other minor variation in the form of the name of a candidate must be disregarded in determining the validity of the ballot if it can reasonably be determined that the write-in vote is for a write-in candidate who has qualified for that office.

(b) Where Florida law requires that a candidate, such as that of Governor, must run on a tandem ticket for an office, the write-in of the last name of the candidate for Governor shall be sufficient to cast a write-in vote for the tandem office. This includes candidates for President and Vice President who have filed the oath for write-in candidates and a list of electors equal to the number of Senators and Representatives that Florida has in Congress. The write-in of the last name of the candidate for President shall be sufficient to cast a write-in ballot for this type of tandem office.

(c) If a voter fails to electronically cast his or her ballot after voting, that ballot shall be cancelled.

And the title is amended as follows:

On page 26, line 28, after the semicolon of the amendment

insert: providing standards for determining the clear indication of a voter's choice on a ballot;

Rep. Cusack moved the adoption of the amendment to the amendment, which failed of adoption. The vote was:

Session Vote Sequence: 1099

Yeas—43

Ausley	Gannon	Joyner	Peterman
Bendross-Mindingall	Gelber	Justice	Rich
Betancourt	Gottlieb	Kendrick	Richardson
Brutus	Greenstein	Kosmas	Ritter
Bucher	Harper	Lee	Romeo
Bullard	Henriquez	Lerner	Ryan
Cusack	Heyman	Machek	Seiler
Fields	Holloway	McGriff	Siplin
Frankel	Jennings	Meadows	Slosberg

Smith	Stansel	Wiles	Wishner
Sobel	Weissman	Wilson	

Nays—76

The Chair	Brummer	Goodlette	Mayfield
Alexander	Byrd	Green	Maygarden
Allen	Cantens	Haridopolos	Mealor
Andrews	Carassas	Harrell	Melvin
Argenziano	Clarke	Harrington	Murman
Arza	Crow	Hart	Needelman
Attkisson	Davis	Hogan	Negron
Atwater	Detert	Johnson	Paul
Baker	Diaz de la Portilla	Jordan	Pickens
Ball	Diaz-Balart	Kallinger	Prieguez
Barreiro	Dockery	Kilmer	Ross
Bean	Evers	Kottkamp	Rubio
Bennett	Farkas	Kravitz	Russell
Bense	Fasano	Kyle	Simmons
Benson	Fiorentino	Lacasa	Sorensen
Berfield	Flanagan	Littlefield	Spratt
Bilirakis	Garcia	Lynn	Trovillion
Bowen	Gardiner	Mack	Wallace
Brown	Gibson	Mahon	Waters

Representative(s) Wiles offered the following:

(Amendment Bar Code: 484169)

Amendment 6 to Amendment 1 (with title amendment)—On page 24, between lines 4 and 5, of the amendment

insert:

Section 25. Subsection (5) of section 106.08, Florida Statutes, is reenacted and amended to read:

106.08 Contributions; limitations on.—

(5)(a) A person may not make any contribution through or in the name of another, directly or indirectly, in any election.

(b) Candidates, political committees, and political parties may not solicit contributions from ~~or make contributions to~~ any religious, charitable, civic, or other causes or organizations established primarily for the public good.

(c) *Candidates, political committees, and political parties may not make contributions, in exchange for political support, to any religious, charitable, civic, or other cause or organization established primarily for the public good.* ~~However,~~ It is not a violation of this *paragraph subsection* for:

1. A candidate, political committee, or political party executive committee to make gifts of money in lieu of flowers in memory of a deceased person; ~~or for~~

2. A candidate to continue membership in, or make regular donations from personal or business funds to, religious, political party, civic, or charitable groups of which the candidate is a member or to which the candidate has been a regular donor for more than 6 months; ~~or-~~

3. A candidate to ~~may~~ purchase, with campaign funds, tickets, admission to events, or advertisements from religious, civic, political party, or charitable groups.

And the title is amended as follows:

On page 26, line 28, after the semicolon, of the amendment

insert: reenacting and amending s. 106.08(5), F.S., to clarify requirements for soliciting and accepting charitable contributions and to reenact a prohibition against indirect campaign contributions; providing penalties;

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

Representative(s) Ryan offered the following:

(Amendment Bar Code: 494591)

Amendment 7 to Amendment 1 (with title amendment)—On page 24, between lines 4 and 5,

insert:

Section 25. Applicable retroactively, subsection (3) of section 106.021, Florida Statutes, is amended to read:

106.021 Campaign treasurers; deputies; primary and secondary depositories.—

(3) Except for independent expenditures, no contribution or expenditure, including contributions or expenditures of a candidate or of the candidate's family, shall be directly or indirectly made or received in furtherance of the candidacy of any person for nomination or election to political office in the state or on behalf of any political committee except through the duly appointed campaign treasurer of the candidate or political committee; *however, a candidate or any other individual may be reimbursed for expenses incurred for travel, food and beverage, office supplies, and mementos expressing gratitude to campaign supporters by a check drawn upon the campaign account and reported pursuant to s. 106.07(4).* In addition ~~However~~, expenditures may be made directly by any political committee or political party regulated by chapter 103 for obtaining time, space, or services in or by any communications medium for the purpose of jointly endorsing three or more candidates, and any such expenditure shall not be considered a contribution or expenditure to or on behalf of any such candidates for the purposes of this chapter.

Section 26. Applicable retroactively, paragraph (a) of subsection (4) of section 106.07, Florida Statutes, is amended to read:

106.07 Reports; certification and filing.—

(4)(a) Each report required by this section shall contain:

1. The full name, address, and occupation, if any of each person who has made one or more contributions to or for such committee or candidate within the reporting period, together with the amount and date of such contributions. For corporations, the report must provide as clear a description as practicable of the principal type of business conducted by the corporation. However, if the contribution is \$100 or less or is from a relative, as defined in s. 112.312, provided that the relationship is reported, the occupation of the contributor or the principal type of business need not be listed.

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

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

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

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

6. The full name and address of each person to whom expenditures have been made by or on behalf of the committee or candidate within the reporting period; the amount, date, and purpose of each such expenditure; and the name and address of, and office sought by, each candidate on whose behalf such expenditure was made. However, expenditures made from the petty cash fund provided by s. 106.12 need not be reported individually.

7. The full name and address of each person to whom an expenditure for personal services, salary, or reimbursement for authorized expenses

as provided in s. 106.021(3) has been made and which is not otherwise reported, including the amount, date, and purpose of such expenditure. However, expenditures made from the petty cash fund provided for in s. 106.12 need not be reported individually.

8. The total amount withdrawn and the total amount spent for petty cash purposes pursuant to this chapter during the reporting period.

9. The total sum of expenditures made by such committee or candidate during the reporting period.

10. The amount and nature of debts and obligations owed by or to the committee or candidate, which relate to the conduct of any political campaign.

11. A copy of each credit card statement which shall be included in the next report following receipt thereof by the candidate or political committee. Receipts for each credit card purchase shall be retained by the treasurer with the records for the campaign account.

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

And the title is amended as follows:

On page 26, line 28, after the semicolon, of the amendment

insert: amending s. 106.021, F.S.; providing for candidate reimbursement for certain expenses; providing for retroactive application; amending s. 106.07, F.S.; providing for reporting of candidate reimbursement for certain expenses; providing for retroactive application;

Rep. Ryan 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.

SB 496—A bill to be entitled An act relating to educational benefits for dependent children of military personnel who die or incur total and permanent disability while participating in Operation Enduring Freedom; creating s. 295.0185, F.S.; providing educational opportunity at state expense for dependent children of military personnel who die or suffer a specified disability in Operation Enduring Freedom; specifying documentation that constitutes proof of eligibility for such benefits; providing an effective date.

—was read the second time by title.

Representative(s) Lynn, Fasano, and Stansel offered the following:

(Amendment Bar Code: 171379)

Amendment 1 (with title amendment)—On page 2, between lines 14 and 15, of the bill

insert:

Section 2. Section 295.02, Florida Statutes, is amended to read:

295.02 Use of funds; age, etc.—All sums appropriated and expended under this chapter shall be used to pay tuition and registration fees, board, and room rent and to buy books and supplies for the children of deceased or disabled veterans or service members, as defined and limited in s. 295.01, s. 295.016, s. 295.017, s. 295.018, s. 295.0185, or s. 295.0195, or of parents classified as prisoners of war or missing in action, as defined and limited in s. 295.015, who are between the ages of 12 46 and 22 years and who are in attendance at a state-supported institution of higher learning, including a community college or vocational-technical school. Any child having entered upon a course of training or education under the provisions of this chapter, consisting of a course of not more than 4 years, and arriving at the age of 22 years before the completion of such course may continue the course and receive all benefits of the provisions of this chapter until the course is

completed. The Department of Education shall administer this educational program subject to regulations of the department.

And the title is amended as follows:

On page 1, lines 3-13,
remove: all of said lines

and insert: dependent children of military personnel; creating s. 295.0185, F.S.; providing educational opportunity at state expense for dependent children of military personnel who died or suffered a service-connected 100-percent total and permanent disability in Operation Enduring Freedom; specifying documentation which constitutes proof of eligibility for such benefits; amending s. 295.02, F.S.; revising the eligibility age for dependent children of certain military personnel to receive educational benefits; providing an effective date.

Rep. Lynn moved the adoption of the amendment. Subsequently, **Amendment 1** was withdrawn.

On motion by Rep. Stansel, the rules were waived and SB 496 was read the third time by title. On passage, the vote was:

Session Vote Sequence: 1100

Yeas—119

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

Nays—None

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

HB 2025—A bill to be entitled An act relating to annexation; requiring certain counties to establish a plan for the annexation of unincorporated areas and to annex such areas by one or more ordinances; requiring consultation; providing definitions; providing for public hearings; requiring certain notices and publication of notices; establishing certain criteria for annexations; authorizing referenda; requiring certain consent for certain annexations; providing for statutory construction; providing an effective date.

—was read the second time by title.

Representative(s) Mack offered the following:

(Amendment Bar Code: 382671)

Amendment 1—In the title, on page 1, line 10 after the semicolon, insert: exempting certain property;

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

Representative(s) Ritter offered the following:

(Amendment Bar Code: 571957)

Amendment 2 (with title amendment)—On page 4, between lines 10 and 11, of the bill

insert:

(e) The county and the municipalities that would be affected by the annexation plan shall attempt to negotiate in good faith an interlocal agreement between the municipalities and the county. The interlocal agreement should include, at a minimum, the completion of planned infrastructure improvements by the county and a transitional plan.

And the title is amended as follows:

On page 1, line 8, after the semicolon

insert: providing for interlocal agreement

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

Representative(s) Ritter offered the following:

(Amendment Bar Code: 194145)

Amendment 3—On page 4, line 23,

remove: *of*

and insert: *or*

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

Representative(s) Mack offered the following:

(Amendment Bar Code: 064241)

Amendment 4—On page 6, between lines 16 & 17,

insert: *(8) No existing commercial and entertainment complex located on property with a land area of at least 50 acres shall be annexed by the procedure provided in this act unless the owner or owners consent to the annexation.*

(RENUMBER SUBSEQUENT SUBSECTIONS)

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

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

Representative(s) Ritter offered the following:

(Amendment Bar Code: 375193)

Amendment 5—On page 6, line 20, after: *body*

insert: *with the consent of the regional facility*

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

On motion by Rep. Sorensen, the rules were waived and HB 2025, as amended, was read the third time by title.

REPRESENTATIVE MELVIN IN THE CHAIR

The question recurred on the passage of HB 2025. The vote was:

Session Vote Sequence: 1101

Yeas—114

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

Nays—None

Votes after roll call:

Yeas—Atwater, Clarke
Nays—Seiler, Smith

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

HB 2027—A bill to be entitled An act relating to the tax on sales, use, and other transactions; creating the Sales Tax Exemption Review Commission; providing for the appointment and organization of the commission; specifying duties; providing for reports; providing for the expiration of the act; providing an effective date.

—was read the second time by title.

THE SPEAKER IN THE CHAIR

REPRESENTATIVE BALL IN THE CHAIR

Representative(s) Ryan offered the following:

(Amendment Bar Code: 530471)

Amendment 1 (with title amendment)—

Remove: everything after the enacting clause,

and insert:

Section 1. (1) *The Joint Legislative Sales Tax Exemption Review Committee is created as a joint committee of the Legislature, consisting of nine members of the Senate appointed by the President of the Senate and nine members of the House of Representatives appointed by the Speaker of the House of Representatives. The terms of the members shall be for 2 years and shall run from the organization of one Legislature to the organization of the next Legislature. Vacancies occurring during the interim period shall be filled in the same manner as the original appointment. During even-numbered years, the chair of the committee shall be appointed by the President of the Senate, and the vice chair of*

the committee shall be appointed by the Speaker of the House of Representatives. During odd-numbered years, the chair of the committee shall be appointed by the Speaker of the House of Representatives, and the vice chair of the committee shall be appointed by the President of the Senate.

(2) *The committee shall have its initial meeting no later than December 1, 2002, and thereafter as necessary at the call of the chair at the time and place designated by the chair. A quorum shall consist of a majority of committee members from the Senate and a majority of committee members from the House of Representatives.*

(3) *During the interim, the committee may conduct its meetings through teleconferences or other similar means.*

(4) *The committee shall be jointly staffed by the staff of the Senate Finance and Taxation Committee and the House Fiscal Policy and Resources Committee.*

(5) *The committee shall have the power and duty to conduct a comprehensive review of all current exemptions to the sales and use tax contained in chapter 212, Florida Statutes. The committee shall establish criteria by which each exemption shall be evaluated. In developing the evaluation criteria, the committee shall consider the following principles of taxation:*

(a) *Equity.—The Florida tax system should treat individuals equitably. It should impose similar tax burdens on people in similar circumstances and should minimize regressivity.*

(b) *Compliance.—The Florida tax system should facilitate taxpayer compliance. It should be simple and easy to understand so as to minimize compliance costs and increase the visibility and awareness of the taxes being paid. Enforcement and collection of tax revenues should be done in a fair, consistent, professional, predictable, and cost-effective manner.*

(c) *Pro-competitiveness.—The Florida tax system should be responsive to interstate and international competition in order to encourage savings and investment in plant, equipment, people, and technology in Florida.*

(d) *Neutrality.—The Florida tax system should affect competitors uniformly and not become a tool for “social engineering.” It should minimize government involvement in investment decisions, making any such involvement explicit, and should minimize pyramiding.*

(e) *Stability.—The Florida tax system should produce revenues in a stable and reliable manner that is sufficient to fund appropriate governmental functions and expenditures.*

(f) *Integration.—The Florida tax system should balance the need for integration of federal, state, and local taxation.*

(g) *Public purpose.—Any sales tax exemption should be based upon a determination that the exemption promotes an important state interest, including, but not limited to, economic development, job creation and retention, economic diversification, or community revitalization.*

(6) *For each exemption, the committee shall make findings of fact and recommend whether the exemption should be retained, modified, or repealed. Each recommendation must be made by majority vote of committee members from the Senate and from the House of Representatives. If a majority vote of the committee members from each chamber cannot be achieved, the committee must recommend that the exemption be retained. The findings of fact and recommendations of the committee shall be made by reports to the President of the Senate and the Speaker of the House of Representatives.*

(7) *The committee may use its discretion in determining the order in which it reviews the exemptions; however, the committee should review approximately one-fifth of the exemptions each year. The committee shall submit, to the President of the Senate and the Speaker of the House of Representatives, its first report by February 1, 2003, its second report by February 1, 2004, its third report by February 1, 2005, its fourth report by February 1, 2006, and its final report by February 1, 2007.*

Section 2. *Nothing contained in this act shall preclude, or be construed to limit, a member from filing a bill proposing to modify, repeal, or enact any exemption from the tax on sales and use imposed under chapter 212, Florida Statutes.*

Section 3. *All exemptions to the sales and use tax contained in chapter 212, Florida Statutes, shall be comprehensively reviewed by the Joint Legislative Sales Tax Exemption Review Committee, which shall present findings of fact and recommendations to both the House of Representatives and the Senate every 10 years.*

Section 4. This act shall take effect upon adoption by the Legislature of House Concurrent Resolution ____.

And the title is amended as follows:

Remove: the entire title,

and insert: A bill to be entitled An act relating to the tax on sales, use, and other transactions; creating the Joint Legislative Sales Tax Exemption Review Committee as a joint legislative committee; providing for the appointment and organization of the committee; specifying duties; providing for reports; requiring continuing review of sales tax exemptions; requiring recommendations to the Legislature every 10 years; providing a contingent effective date.

Rep. Ryan moved the adoption of the amendment, which failed of adoption.

Representative(s) Wallace offered the following:

(Amendment Bar Code: 654421)

Amendment 2—On page 3, lines 21 and 22, remove: all of said lines,

and insert:

(g) Public purpose.—Sales and use tax exemptions for businesses should promote an

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

Representative(s) Wallace offered the following:

(Amendment Bar Code: 150833)

Amendment 3 (with title amendment)—On page 4, between lines 4 and 5,

insert:

Section 2. *Legislative Findings: Over the years the Legislature has passed numerous exemptions from the sales and use tax. Since the priorities of the state can change over time, and the House and Senate have undertaken no comprehensive review of the exemptions, the Legislature finds that it is in the best interest of the state to have such a review. The Sales Tax Exemption Review Commission is created to provide this needed review of the sales and use tax exemptions in chapter 212. This review will allow the Legislature to examine the purpose and effects of all sales and use tax exemptions to ensure that each exemption fulfills an important state interest. This review will identify exemptions that no longer concur with the present interests of the state and provide the Legislature with a recommendation of which exemptions should be repealed.*

And the title is amended as follows:

On page 1, line 7, after the semicolon,

insert: providing legislative findings;

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

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

CS for SB 428—A bill to be entitled An act relating to adult entertainment establishments; amending s. 847.0134, F.S.; revising the

prohibition against locating an adult entertainment establishment within a specified distance from a school; requiring that such establishment be approved by the county or municipality and the district school board; providing an effective date.

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

SB 1946—A bill to be entitled An act relating to public property; amending s. 255.25, F.S.; requiring certain replacement leases to contain a right-to-terminate clause except under specified circumstances; providing an effective date.

—was read the second time by title.

Representative(s) Simmons offered the following:

(Amendment Bar Code: 463889)

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

and insert:

Section 1. Section 768.0710, Florida Statutes, is created to read:

768.0710 Burden of proof in claims of negligence involving transitory foreign objects or substances against persons or entities in possession or control of business premises.—

(1) The person or entity in possession or control of business premises owes a duty of reasonable care to maintain the premises in a reasonably safe condition for the safety of business invitees on the premises, which includes reasonable efforts to keep the premises free from transitory foreign objects or substances that might foreseeably give rise to loss, injury, or damage.

(2) In any civil action for negligence involving loss, injury, or damage to a business invitee as a result of a transitory foreign object or substance on business premises, the claimant shall have the burden of proving that:

(a) The person or entity in possession or control of the business premises owed a duty to the claimant;

(b) The person or entity in possession or control of the business premises acted negligently by failing to exercise reasonable care in the maintenance, inspection, repair, warning, or mode of operation of the business premises. Actual or constructive notice of the transitory foreign object or substance is not a required element of proof to this claim. However, evidence of notice or lack of notice offered by any party may be considered together with all of the evidence; and

(c) The failure to exercise reasonable care was a legal cause of the loss, injury, or damage.

Section 2. This act shall take effect upon becoming a law and shall apply to all causes of action pending on or after that date.

And the title is amended as follows:

remove: the entire title

and insert: 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.

WHEREAS, on November 15, 2001, the Florida Supreme Court decided the case of Owens v. Publix Supermarket, Inc., Case No. SC95667 & SC96235, and

WHEREAS, the Florida Legislature has considered the issues raised and law surveyed in the Owens case when balancing rights and duties between possessors of land and invitees upon that land, NOW, THEREFORE,

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

On motion by Rep. Simmons, the rules were waived and SB 1946, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 1102

Yeas—118

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

Nays—None

So the bill passed, as amended, and was immediately certified to the Senate.

Motion

On motion by Rep. Goodlette, the House moved to the order of Bills and Joint Resolutions on Third Reading. On further motion by Rep. Goodlette, the rules were waived and consideration of **CS for SB 1276, HB 2017, SB 264, CS/HB 691, CS for SB 1126, CS/CS/CS/HB 193, and HB 2021** was temporarily postponed until Thursday, March 21.

Bills and Joint Resolutions on Third Reading

CS/CS/HB 577—A bill to be entitled An act relating to governmental reorganization; amending s. 20.04, F.S.; providing an exception to departmental structure requirements; deleting reference to the Department of Banking and Finance and substituting the Department of Insurance and Financial Services; creating s. 20.121, F.S.; creating the Office of Chief Financial Officer; providing duties; providing for a Division of Financial Investigations; authorizing the Chief Financial Officer to process certain warrants created by the Comptroller; creating s. 20.131, F.S.; creating the Department of Insurance and Financial Services; providing for an executive director; providing for departmental structure; creating the Offices of Commissioner of Insurance and Commissioner of Financial Services; providing for subpoenas, sworn statements, and enforcement proceedings; providing rulemaking authority; providing for appointment and specifying qualifications for each commissioner; providing jurisdiction for each commissioner’s office; providing jurisdiction of the Governor and Cabinet; authorizing the Department of Insurance and Financial Services to destroy certain records and correspondence under certain circumstances; authorizing the Department of Insurance and Financial Services to photograph, microfilm, or reproduce on film certain records and documents for

certain purposes under certain circumstances; authorizing the Department of Insurance and Financial Services to disseminate certain information under certain circumstances; providing for effect of photographed, microfilmed, or reproduced records and documents; transferring certain programs, including employees and equipment, from the Department of Banking and Finance and the Department of Insurance to the Office of Chief Financial Officer, the Department of Insurance and Financial Services, and the Department of Law Enforcement; requiring transferring agencies to prepare and submit inventories of certain property to the executive director of the Department of Insurance and Financial Services by a certain date; transferring certain trust funds from the Department of Banking and Finance and the Department of Insurance to the Office of Chief Financial Officer and the Department of Insurance and Financial Services; specifying that rules of the Department of Banking and Finance and the Department of Insurance become rules of the Department of Insurance and Financial Services; specifying that such rules become rules of the Office of Chief Financial Officer under certain circumstances; specifying that certain rules of the Department of Insurance become rules of the Department of Law Enforcement; providing for preservation of validity of judicial or administrative actions involving such departments; providing for substitution of certain parties in interest in such actions; creating the office of executive director of the Department of Insurance and Financial Services; providing for appointment of the executive director; providing for the executive director to serve as the head of the Office of Transition Management; creating the Office of Transition Management; specifying powers and duties thereof; requiring reports to the Governor and the Legislature; creating s. 216.349, F.S.; requiring certain state agencies and the Chief Financial Officer to report trust fund information monthly to the Legislative Budget Commission and the Governor; providing for the form and content of such reports to be determined by the chair and vice chair of the Legislative Budget Commission; amending s. 218.36, F.S.; requiring only tax collectors, sheriffs, supervisors of elections, and property appraisers to pay certain moneys into the county general fund; amending s. 624.523, F.S.; providing a transfer from the Insurance Commissioner’s Regulatory Trust Fund to the General Revenue Fund; providing legislative intent; amending ss. 11.12, 11.13, 11.147, 11.151, 11.40, 11.42, 14.057, 14.058, 14.203, 15.09, 16.10, 17.02, 17.03, 17.031, 17.04, 17.0401, 17.041, 17.0415, 17.05, 17.06, 17.075, 17.076, 17.08, 17.09, 17.10, 17.11, 17.12, 17.13, 17.14, 17.16, 17.17, 17.20, 17.21, 17.22, 17.25, 17.26, 17.27, 17.28, 17.29, 17.30, 17.32, 17.325, 17.41, 17.43, 18.01, 18.02, 18.021, 18.05, 18.06, 18.07, 18.09, 18.091, 18.10, 18.101, 18.103, 18.125, 18.15, 18.17, 18.20, 18.23, 18.24, 20.04, 20.055, 20.195, 20.425, 20.435, 24.105, 24.111, 24.112, 24.120, 25.241, 26.39, 27.08, 27.10, 27.11, 27.12, 27.13, 27.3455, 27.703, 27.710, 27.711, 28.235, 28.24, 30.52, 40.30, 40.31, 40.33, 40.34, 40.35, 43.16, 43.19, 48.151, 55.03, 57.091, 68.083, 68.084, 68.087, 68.092, 77.0305, 92.39, 99.097, 107.11, 110.1127, 110.113, 110.114, 110.116, 110.1227, 110.1228, 110.123, 110.125, 110.181, 110.2037, 110.205, 112.0501, 112.061, 112.08, 112.191, 112.215, 112.3144, 112.3145, 112.3189, 112.31895, 112.3215, 112.63, 116.03, 116.04, 116.05, 116.06, 116.14, 120.52, 120.80, 121.061, 121.133, 122.061, 122.35, 125.0104, 129.201, 131.05, 137.09, 145.141, 154.02, 154.03, 154.05, 154.06, 154.209, 154.314, 163.01, 163.05, 163.055, 163.3167, 175.032, 175.101, 175.121, 175.151, 185.08, 185.10, 185.13, 189.4035, 189.412, 189.427, 190.007, 191.006, 192.091, 192.102, 193.092, 195.101, 198.29, 199.232, 203.01, 206.46, 210.16, 210.20, 210.50, 211.06, 211.32, 212.08, 212.12, 212.20, 213.053, 213.054, 213.255, 213.67, 213.75, 215.02, 215.03, 215.04, 215.05, 215.11, 215.22, 215.23, 215.24, 215.25, 215.26, 215.31, 215.32, 215.3206, 215.3208, 215.322, 215.34, 215.35, 215.405, 215.42, 215.422, 215.50, 215.551, 215.552, 215.555, 215.559, 215.56005, 215.5601, 215.58, 215.684, 215.70, 215.91, 215.92, 215.93, 215.94, 215.96, 215.965, 215.97, 216.0442, 216.102, 216.141, 216.177, 216.181, 216.183, 216.192, 216.212, 216.221, 216.235, 216.237, 216.251, 216.271, 216.275, 216.292, 216.301, 217.07, 218.06, 218.23, 218.31, 218.32, 218.321, 218.325, 218.33, 220.62, 220.723, 228.2001, 229.0535, 229.0537, 229.05371, 229.111, 229.781, 231.261, 231.30, 231.545, 233.063, 233.255, 236.43, 236.601, 237.121, 237.181, 237.211, 238.11, 238.15, 238.172, 238.173, 240.135, 240.241, 240.2996, 240.3763, 240.4065, 240.4075, 240.412, 240.4125, 240.413, 240.414, 240.4145, 240.551, 240.553, 240.606, 242.331, 242.341, 245.13, 246.061, 246.101, 246.211, 250.22, 250.24,

250.25, 250.26, 250.34, 252.62, 252.87, 253.025, 255.03, 255.052, 255.258, 255.503, 255.521, 257.22, 258.014, 259.032, 259.041, 265.53, 265.55, 267.075, 272.18, 280.02, 280.04, 280.041, 280.05, 280.051, 280.052, 280.053, 280.054, 280.055, 280.06, 280.07, 280.071, 280.08, 280.085, 280.09, 280.10, 280.11, 280.13, 280.16, 280.17, 280.18, 280.19, 282.1095, 284.02, 284.04, 284.05, 284.06, 284.08, 284.14, 284.17, 284.30, 284.31, 284.32, 284.33, 284.34, 284.35, 284.37, 284.385, 284.39, 284.40, 284.41, 284.42, 284.44, 284.50, 287.042, 287.057, 287.058, 287.063, 287.064, 287.09451, 287.115, 287.131, 287.175, 288.1045, 288.106, 288.109, 288.1253, 288.709, 288.712, 288.776, 288.778, 288.99, 289.051, 289.081, 289.121, 292.085, 313.02, 314.02, 316.3025, 316.545, 320.02, 320.081, 320.20, 320.71, 320.781, 322.21, 324.032, 324.171, 326.006, 331.303, 331.309, 331.3101, 331.348, 331.419, 336.022, 337.25, 339.035, 339.081, 344.17, 350.06, 354.03, 365.173, 370.06, 370.16, 370.19, 370.20, 373.503, 373.59, 373.6065, 374.983, 374.986, 376.11, 376.123, 376.307, 376.3071, 376.3072, 376.3075, 376.3078, 376.3079, 376.40, 377.23, 377.2425, 377.705, 378.035, 378.037, 378.208, 381.765, 381.90, 388.201, 388.301, 391.025, 391.221, 392.69, 393.002, 393.075, 394.482, 400.0238, 400.063, 400.071, 400.4174, 400.4298, 400.471, 400.962, 401.245, 401.25, 402.04, 402.17, 402.33, 403.1835, 403.706, 403.724, 403.8532, 404.111, 408.040, 408.08, 408.18, 408.50, 408.7056, 408.902, 409.175, 409.25656, 409.25658, 409.2673, 409.8132, 409.817, 409.818, 409.910, 409.912, 409.9124, 409.915, 411.01, 413.32, 414.27, 414.28, 420.0005, 420.0006, 420.101, 420.123, 420.131, 420.141, 420.5092, 430.42, 430.703, 440.103, 440.105, 440.1051, 440.106, 440.13, 440.134, 440.135, 440.20, 440.24, 440.38, 440.381, 440.385, 440.44, 440.49, 440.50, 440.51, 440.515, 440.52, 443.131, 443.191, 443.211, 447.12, 450.155, 456.047, 468.392, 473.3065, 475.045, 475.484, 475.485, 489.144, 489.145, 494.001, 494.00421, 497.005, 497.101, 497.105, 497.107, 497.109, 497.115, 497.117, 497.131, 497.201, 497.253, 497.313, 497.403, 498.025, 498.049, 499.057, 501.212, 509.215, 513.055, 516.01, 516.35, 517.021, 517.03, 517.061, 517.075, 517.1203, 517.1204, 517.1205, 517.131, 517.141, 517.151, 518.115, 518.116, 519.101, 520.02, 520.07, 520.31, 520.34, 520.61, 520.76, 537.003, 537.004, 537.011, 548.066, 548.077, 550.0251, 550.054, 550.0951, 550.125, 550.135, 550.1645, 552.081, 553.72, 553.73, 553.74, 553.79, 554.1021, 554.105, 559.10, 559.543, 559.55, 559.725, 559.928, 560.102, 560.103, 560.4041, 560.408, 561.051, 562.44, 567.08, 569.205, 569.215, 570.13, 570.195, 570.20, 574.03, 589.06, 597.010, 601.10, 601.15, 601.28, 607.0501, 607.14401, 609.05, 617.0501, 617.1440, 624.05, 624.305, 624.319, 624.321, 624.322, 624.33, 624.4071, 624.4085, 624.40851, 624.422, 624.423, 624.4435, 624.5015, 624.502, 624.506, 624.5092, 624.517, 624.519, 624.521, 625.317, 625.52, 625.53, 625.83, 626.266, 626.2815, 626.592, 626.742, 626.8427, 626.8463, 626.8467, 626.847, 626.8736, 626.906, 626.907, 626.912, 626.918, 626.931, 626.932, 626.937, 626.938, 626.9511, 626.9541, 626.9543, 626.989, 626.9911, 626.9912, 626.9916, 627.0628, 627.0651, 627.06535, 627.0915, 627.0916, 627.092, 627.096, 627.413, 627.6472, 627.6482, 627.7012, 627.728, 627.736, 627.912, 627.9122, 627.919, 627.94074, 627.944, 627.948, 628.461, 628.4615, 629.401, 631.001, 631.221, 631.392, 631.54, 631.57, 631.59, 631.714, 631.72, 631.723, 631.813, 631.814, 631.904, 631.911, 631.931, 633.01, 633.022, 633.025, 633.052, 633.081, 633.161, 633.162, 633.30, 633.31, 633.353, 633.382, 633.43, 633.445, 633.45, 633.47, 633.50, 634.011, 634.161, 634.301, 634.313, 634.327, 634.401, 635.011, 635.041, 636.003, 641.185, 641.19, 641.23, 641.39001, 641.402, 641.403, 641.412, 641.454, 641.48, 641.49, 641.511, 641.52, 641.55, 641.58, 642.015, 648.25, 648.26, 648.386, 648.442, 650.06, 651.011, 651.0235, 651.035, 651.121, 651.125, 655.001, 655.005, 655.057, 655.90, 655.949, 657.002, 657.253, 658.23, 658.295, 658.2953, 658.83, 660.27, 660.28, 687.13, 687.14, 713.596, 716.02, 716.03, 716.04, 716.05, 716.06, 716.07, 717.101, 717.103, 717.117, 717.118, 717.119, 717.1201, 717.121, 717.121, 717.122, 717.123, 717.124, 717.1241, 717.1242, 717.1243, 717.125, 717.126, 717.127, 717.128, 717.129, 717.1301, 717.1311, 717.1315, 717.132, 717.133, 717.134, 717.135, 717.138, 718.501, 719.501, 721.24, 721.26, 723.006, 732.107, 733.816, 744.534, 766.105, 766.1115, 766.314, 766.315, 768.28, 790.001, 790.1612, 791.01, 817.16, 817.234, 839.06, 849.086, 849.33, 860.154, 896.102, 903.101, 903.27, 925.037, 932.7055, 932.707, 938.27, 939.13, 943.031, 943.032, 944.516, 946.33, 946.509, 946.510, 946.517, 946.522, 946.525, 947.12, 950.002, 957.04, 985.406, and 985.409, F.S., to conform the Florida Statutes to the amendments to s. 4, Art. IV of the State Constitution to merge the cabinet offices of Treasurer and Comptroller into one Chief Financial Officer and to conform to the merger of the

Department of Banking and Finance and the Department of Insurance into one Department of Insurance and Financial Services, effective January 7, 2003; repealing ss. 20.12 and 20.13, F.S., relating to the Department of Banking and Finance and the Department of Insurance, respectively, effective January 7, 2003; repealing ss. 17.011, 18.03, 18.08, 215.29, 627.0623, 655.019, and 657.067, F.S., relating to the Assistant Comptroller, the Treasurer's residence and office, the Treasurer turning over warrants to the Comptroller, classification of Comptroller's warrants, restrictions on expenditures and solicitations of insurers and affiliates by the Treasurer, limitations on Comptroller's acceptance of campaign contributions, and Comptroller's responsibilities relating to conversions from federal to state charters, respectively; providing duties of the Division of Statutory Revision; transferring funds from the Insurance Commissioner's Regulatory Trust Fund in the Department of Insurance to the Operating Trust Fund in the Department of Law Enforcement; providing appropriations; providing effective dates.

—was read the third time by title.

Representative(s) Wiles offered the following:

(Amendment Bar Code: 764373)

Amendment 2 (with title amendment)—On page 10, line 7, through page 17, line 3, remove: all of said lines,

and insert:

Section 1. Effective January 7, 2003, section 17.001, Florida Statutes, is created to read:

17.001 Financial Officer.—As provided in s. 4(c), Art. IV of the State Constitution, the Chief Financial Officer is the chief fiscal officer of the state and is responsible for settling and approving accounts against the state and keeping all state funds and securities.

Section 2. Effective January 7, 2003, section 20.121, Florida Statutes, is created to read:

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

(1) *The head of the Department of Financial Services is the Chief Financial Officer.*

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

(a) *Division of Treasury.*

(b) *Division of Consumer Services.*

(c) *Division of Insurance Rates and Forms.* This division shall have all powers and duties as provided by law to the Department of Financial Services related to approval of insurance rates and forms.

(d) *Division of Insurer Services.* This division shall have all powers and duties as provided by law to the Department of Financial Services related to insurance except those related to approval of insurance rates and forms.

(e) *Division of Financial Institutions which shall consist of the following bureaus:*

1. *Bureau of Banking; and*

2. *Bureau of Credit Unions.*

(f) *Division of Risk Management.*

(g) *Division of State Fire Marshal.*

(h) *Division of Insurance Fraud.*

(i) *Division of Rehabilitation and Liquidation.*

(j) *Division of Securities.*

- (k) *Division of Information Systems.*
- (l) *Division of Legal Services.*
- (m) *Division of Financial Investigations.*
- (n) *Division of Accounting and Auditing.*
- (o) *Division of Workers Compensation.*
- (p) *Division of Insurance Agent and Agency Services.*
- (q) *Division of Administration.*

(3) *The Division of Financial Institutions, the Division of Securities, and the Division of Insurance Rates and Forms shall each be headed by a "Director." The Directors of these divisions shall act as agency head for purposes of chapter 120, and shall be responsible for final agency action with regard to the implementation and enforcement of statutes and rules under the regulatory authority delegated to their division. The Director of the Division of Financial Institutions, the Director of the Division of Securities, and the Director of the Division of Insurance Rates and Forms shall each be appointed by the Chief Financial Officer, subject to confirmation by the trustees of the State Board of Administration, and shall serve at the pleasure of the trustees of the State Board of Administration.*

(4) *The Division of Financial Investigations shall function as a criminal justice agency within the meaning of ss. 943.045(10)(e).*

(5)(a) *The Division of Treasury, in addition to other matters that may be assigned to or located within said division, shall administer the Government Employees Deferred Compensation Plan established under ss. 112.215 for state employees.*

(b) *To carry out the purpose of paragraph (a), a Section of Government Employee Deferred Compensation is created within the Division of Treasury.*

And the title is amended as follows:

On page 1, line 3, through page 2, line 7, remove: all of said lines,

and insert: creating s. 17.001, F.S.; establishing the Office of the Chief Financial Officer; creating s. 20.121, F.S.; creating the Department of Financial Services; providing for the divisions of the department; specifying division directors who shall act as agency head for purposes of chapter 120; establishing the manner of appointment and confirmation; transferring certain program,

Rep. Wiles moved the adoption of the amendment. Subsequently, **Amendment 2** was withdrawn.

Representative(s) Gannon and Romeo offered the following:

(Amendment Bar Code: 541025)

Amendment 3 (with title amendment)—On page 17, between lines 3 and 4,

insert:

Section 5. Subsection (7) is added to section 655.0322, Florida Statutes, to read:

655.0322 Prohibited acts and practices; criminal penalties—

(7) *It is unlawful for any affiliated party to transfer the private personal information of a consumer to any person without the written consent of the consumer. Any person who violates this section is guilty of a misdemeanor of the second degree, punishable as provided in s.775.082, s.775.083, or s. 775.084.*

And the title is amended as follows:

On page 2, line 7, after the semicolon,

insert: making it unlawful to transfer private personal financial information;

Rep. Gannon moved the adoption of the amendment. Subsequently, **Amendment 3** was withdrawn.

The question recurred on the passage of CS/CS/HB 577. The vote was:

Session Vote Sequence: 1103

Yeas—118

The Chair	Cusack	Holloway	Paul
Alexander	Davis	Jennings	Peterman
Allen	Detert	Johnson	Pickens
Andrews	Diaz de la Portilla	Jordan	Prieguez
Argenziano	Diaz-Balart	Joyner	Rich
Arza	Dockery	Justice	Richardson
Attkisson	Evers	Kallinger	Ritter
Atwater	Farkas	Kendrick	Romeo
Ausley	Fasano	Kilmer	Ross
Baker	Feeney	Kosmas	Rubio
Barreiro	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	Sobel
Bilirakis	Gibson	Machek	Sorensen
Bowen	Goodlette	Mack	Spratt
Brown	Gottlieb	Mahon	Stansel
Brummer	Green	Mayfield	Trovillion
Brutus	Greenstein	Maygarden	Wallace
Bucher	Haridopolos	McGriff	Waters
Bullard	Harper	Meadows	Weissman
Byrd	Harrell	Mealor	Wiles
Cantens	Harrington	Melvin	Wilson
Carassas	Hart	Murman	Wishner
Clarke	Heyman	Needelman	
Crow	Hogan	Negron	

Nays—None

Votes after roll call:

Yeas—Henriquez

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

HB 1985—A bill to be entitled An act relating to trust funds; creating s. 20.123, F.S.; creating the Administrative Trust Fund within the Office of Chief Financial Officer; providing for purposes and sources of funds; providing for annual carryforward of fund balances; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 1104

Yeas—117

The Chair	Bense	Clarke	Flanagan
Alexander	Benson	Crow	Frankel
Allen	Berfield	Cusack	Gannon
Andrews	Betancourt	Davis	Garcia
Argenziano	Bilirakis	Detert	Gardiner
Arza	Bowen	Diaz de la Portilla	Gelber
Attkisson	Brown	Diaz-Balart	Gibson
Atwater	Brummer	Dockery	Goodlette
Ausley	Brutus	Evers	Gottlieb
Baker	Bucher	Farkas	Green
Barreiro	Bullard	Fasano	Greenstein
Bean	Byrd	Feeney	Haridopolos
Bendross-Mindingall	Cantens	Fields	Harper
Bennett	Carassas	Fiorentino	Harrell

Harrington	Lacasa	Negron	Slosberg
Hart	Lee	Paul	Smith
Heyman	Lerner	Peterman	Sobel
Hogan	Littlefield	Pickens	Sorensen
Holloway	Lynn	Prieguez	Spratt
Jennings	Machek	Rich	Stansel
Johnson	Mack	Richardson	Trovillion
Jordan	Mahon	Ritter	Wallace
Joyner	Mayfield	Romeo	Waters
Kallinger	Maygarden	Ross	Weissman
Kendrick	McGriff	Rubio	Wiles
Kilmer	Meadows	Russell	Wilson
Kosmas	Mealor	Ryan	Wishner
Kottkamp	Melvin	Seiler	
Kravitz	Murman	Simmons	
Kyle	Needelman	Siplin	

Nays—None

Votes after roll call:

Yeas—Henriquez, Justice

So the bill passed by the required constitutional three-fifths vote of the membership and was immediately certified to the Senate.

CS for SB 1246—A bill to be entitled An act relating to continuing care retirement communities; amending s. 651.015, F.S.; authorizing the Department of Insurance to accept certain documents and information relating to continuing care contracts electronically or by facsimile; authorizing the department to adopt rules; amending s. 651.035, F.S.; revising minimum liquid reserve requirements for continuing care providers; amending s. 651.118, F.S.; authorizing certain sharing of facilities and services between sheltered beds used for extended congregate care and nursing home beds in a continuing care facility; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 1105

Yeas—116

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

Stansel	Wallace	Weissman	Wilson
Trovillion	Waters	Wiles	Wishner

Nays—None

Votes after roll call:

Yeas—Jordan, Justice

So the bill passed, as amended, and was immediately certified to the Senate.

CS/HB 925—A bill to be entitled An act relating to retirement; creating the “Officer Malcolm Thompson Act”; providing legislative intent; amending s. 121.091, F.S.; revising provisions relating to benefits payable for total and permanent disability for certain Special Risk Class members of the Florida Retirement System who are injured in the line of duty; providing for reemployment of retired deputy sheriffs and firefighters or paramedics; amending ss. 175.191, 185.18, F.S.; providing minimum retirement benefits payable to certain Special Risk Class members who are injured in the line of duty and who are totally and permanently disabled due to such injury; providing for contribution rate increases to fund benefits provided in s. 121.091, F.S., as amended; directing the Division of Statutory Revision to adjust contribution rates set forth in s. 121.071, F.S.; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 1106

Yeas—119

The Chair	Cusack	Hogan	Negron
Alexander	Davis	Holloway	Paul
Allen	Detert	Jennings	Peterman
Andrews	Diaz de la Portilla	Johnson	Pickens
Argenziano	Diaz-Balart	Jordan	Prieguez
Arza	Dockery	Joyner	Rich
Attkisson	Evers	Justice	Richardson
Atwater	Farkas	Kallinger	Ritter
Ausley	Fasano	Kendrick	Romeo
Baker	Feeney	Kilmer	Ross
Barreiro	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	Sobel
Bowen	Goodlette	Machek	Sorensen
Brown	Gottlieb	Mack	Spratt
Brummer	Green	Mahon	Stansel
Brutus	Greenstein	Mayfield	Trovillion
Bucher	Haridopolos	Maygarden	Wallace
Bullard	Harper	McGriff	Waters
Byrd	Harrell	Meadows	Weissman
Cantens	Harrington	Mealor	Wiles
Carassas	Hart	Melvin	Wilson
Clarke	Henriquez	Murman	Wishner
Crow	Heyman	Needelman	

Nays—None

So the bill passed, as amended, and was immediately certified to the Senate.

CS/HB 1681—A bill to be entitled An act relating to agriculture and consumer services; amending s. 163.01, F.S.; revising language with respect to the Florida Interlocal Cooperation Act of 1969; creating s. 288.1175, F.S.; providing that the Department of Agriculture and Consumer Services shall be the state agency for screening applicants for state funding and certifying applicants as agriculture education and promotion facilities; providing for rules; providing definitions; providing

criteria for applicants; providing for evaluation by the department; providing criteria; prohibiting the expenditure of funds to develop or subsidize privately owned facilities; providing an exception; amending s. 316.515, F.S.; revising equipment authorized for transporting farm products; allowing the Department of Transportation to issue certain permits; amending s. 316.520, F.S.; clarifying that violation of a provision governing loads on vehicles is a moving rather than nonmoving violation; exempting certain vehicles carrying agricultural products; amending s. 370.31, F.S.; transferring the Sturgeon Production Working Group from the Department of Environmental Protection to the Department of Agriculture and Consumer Services; revising membership and procedures; amending s. 388.261, F.S.; revising provisions relating to state aid to counties and districts for arthropod control; prorating county funds under certain circumstances; providing an exemption from funding requirements under certain circumstances; authorizing the use of state funds when requested by a county or district; authorizing funds for technical assistance or to purchase equipment, supplies, or services; amending s. 388.281, F.S.; revising uses for state matching funds; amending s. 388.361, F.S.; authorizing the Department of Agriculture and Consumer Services to cooperate with local agencies; authorizing collection, detection, suppression, and control of mosquitoes and arthropods on public or private land; amending s. 388.45, F.S.; clarifying provisions relating to threats to public health and the issuance of declarations; authorizing declaration of a threat to animal health when certain conditions exist; authorizing treatment or control measures; amending s. 403.067, F.S.; authorizing implementation of interim measures for specified water bodies for which total maximum daily load or allocation has not been established; amending s. 403.709, F.S.; deleting the minimum county allocation to local mosquito control agencies from waste tire fees; amending s. 482.2401, F.S.; adding education in pest control as an approved use of administrative fine revenues; creating s. 482.243, F.S.; creating the Pest Control Enforcement Advisory Council in the department; providing for membership, terms, and procedures; providing powers and duties; amending s. 496.404, F.S.; redefining the term "educational institutions" for purposes of the Solicitation of Contributions Act; amending s. 500.121, F.S.; providing sanctions for nutrient labeling violations; amending s. 501.160, F.S.; providing for enforcement for violation of provisions relating to rental or sale of essential commodities during a declared state of emergency; amending s. 570.07, F.S.; authorizing the department to provide meals when personnel cannot leave emergency incident locations; amending s. 570.073, F.S.; revising the powers and duties of the Office of Agricultural Law Enforcement; amending s. 316.640, F.S.; revising the duties of the Office of Agricultural Law Enforcement; amending s. 570.71, F.S.; revising provisions relating to conservation easements and rural land protection easements; amending s. 573.124, F.S.; increasing penalties for furnishing false information, or refusing to furnish information, relating to the marketing of agricultural commodities; amending s. 581.091, F.S.; requiring water management districts and local governments to refer to the department's current list of noxious weeds and invasive plants when developing their own lists; amending s. 585.08, F.S.; authorizing the Division of Animal Industry, under certain circumstances, to condemn and destroy an animal that is liable to spread contagious, infectious, or communicable disease; amending s. 585.09, F.S.; correcting a cross reference; repealing s. 585.10, F.S., relating to limitations on payments to owners of condemned and destroyed animals; amending s. 585.11, F.S.; authorizing the department to cooperate with United States Department of Agriculture accredited private veterinarians; amending s. 585.21, F.S.; requiring written permission of the department prior to sale in the state of certain biological products; amending s. 585.61, F.S.; increasing fees for use of animal disease diagnostic laboratories; amending s. 590.02, F.S., relating to duties of the Division of Forestry of the Department of Agriculture and Consumer Services; providing that certain managerial positions are included in the Selected Exempt Service; requiring compliance with the applicable state Wildfire Aviation Plan; designating the Cross City work Center as the L. Earl Peterson Forestry Station; amending s. 590.11, F.S., relating to recreational fires; providing a penalty for violation; amending s. 590.125, F.S.; revising requirements for certified prescribed burns; renaming procedures for protecting wild lands from wildfires; amending s. 590.14, F.S.; revising

criteria for determining administrative fines for violation of provisions relating to forestry; amending s. 597.020, F.S.; requiring aquaculture licenses and certifications to expire annually; creating s. 604.40, F.S.; providing regulations regarding equipment used on a farm; amending s. 604.50, F.S.; clarifying the definition of a nonresidential farm building; amending s. 616.242, F.S.; providing that certain kiddie rides shall be exempt from the requirement for receipt of an inspection certificate each time the ride is set up; revising accident reporting requirements; designating the USDA Service Center Building in Bartow, Florida, as the John W. Hunt Building; providing an effective date.

—was read the third time by title.

The Procedural & Redistricting Council offered the following:

(Amendment Bar Code: 103111)

Technical Amendment 16—On page 39, lines 13 & 14, remove: all of said lines

and insert:

Section 29. Paragraphs (d), (f), and (g) of subsection (1) and subsection (5) of section 590.02, Florida Statutes, are amended, and paragraph (h) is added to subsection (1) of said section, to read:

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

Representative(s) Stansel and Melvin offered the following:

(Amendment Bar Code: 772463)

Amendment 17—On page 9, line 1, of the bill

after "provision", insert: *to finance facilities on behalf of any person other than the entity created pursuant to this section*

Rep. Stansel moved the adoption of the amendment, which was adopted by the required two-thirds vote.

Representative(s) Brummer offered the following:

(Amendment Bar Code: 913621)

Amendment 18 (with title amendment)—On page 9, line 21, through page 12, line 31, remove: all of said lines

And the title is amended as follows:

On page 1, line 5 after the semicolon, through line 16, remove: all of said lines

and insert: amending s.

Rep. Brummer moved the adoption of the amendment, which was adopted by the required two-thirds vote.

Representative(s) Machek offered the following:

(Amendment Bar Code: 920821)

Amendment 19—On page 35, line 28 through page 36, line 3, remove: all of said lines

and insert:

(4) The department, in conjunction with the Institute of Food and Agricultural Sciences at the University of Florida, shall biennially review the official state lists of noxious weeds and invasive plants as provided for under this chapter and department rules. The plants listed in section 369.251 shall be incorporated into the department lists as provided for under this chapter. A water management district when identifying by rule pursuant to section 373.185, or a local government when identifying by ordinance or regulation adopted on or after March 1, 2002, a list of noxious weeds, invasive plants, or plants deemed to be a public nuisance or threat, shall only adopt the lists developed under this chapter or rules adopted thereunder. All local government ordinances or regulations adopted prior to March 1, 2002, that list

noxious weeds or invasive plants shall remain in effect. All local ordinances or regulations requiring the removal of invasive plants or noxious weeds from publicly or privately owned conservation areas or preserves shall be exempt from the limitations in this subsection.

Rep. Machek moved the adoption of the amendment, which was adopted by the required two-thirds vote.

THE SPEAKER IN THE CHAIR

Representative(s) Goodlette offered the following:

(Amendment Bar Code: 033031)

Amendment 20 (with title amendment)—On page 46, line 4, remove: all of said line

and insert:

Section 38. Section 482.227, Florida Statutes, is amended to read:

482.227 Guarantees and warranties.—

(1) *The Legislature finds that the terms “guarantee” and “warranty” are common in contracts for the treatment of wood-destroying organisms and intends to clarify that the purpose of this section is to ensure that the consumer understands whether a contract contains a guarantee or warranty for repair and retreatment or for retreatment only or contains no guarantee. Unless the contract for treatment of wood-destroying organisms indicates conspicuously on the front page whether the guarantee or warranty is for repair and retreatment or for retreatment only or that no guarantee or warranty is offered, the term “guarantee” or “warranty” may be used in a contract for treatment of wood-destroying organisms only in the following circumstances:*

(a) If the licensee promises to ~~repair~~ ~~restore~~ any property damaged by wood-destroying organisms during a specified period after the treatment, the term “full” or “unlimited” must be used together with the term “guarantee” or “warranty” wherever that term occurs other than in a disclaimer under subsection (2).

(b) If the licensee promises only to provide additional treatment if infestation occurs during a specified period after treatment, the term “limited” must be used with the term “guarantee” or “warranty” wherever that term occurs other than in a disclaimer under subsection (2).

(c) If the licensee does not promise to ~~repair~~ ~~restore~~ the property or provide additional treatment, the term “guarantee” or “warranty” may not be used except in a disclaimer under subsection (2).

(2) *A disclaimer indicating that no guarantee or warranty is offered under the contract* ~~Any statement disclaiming an expressed or implied guarantee or warranty~~ must appear in conspicuous type on the face of the contract.

Section 39. Effective October 1, 2003, section 482.227, Florida Statutes, as amended by this act, is amended to read:

482.227 Guarantees and warranties; *contracts executed after October 1, 2003.*—

(1) ~~The Legislature finds that the terms “guarantee” and “warranty” are common in contracts for the treatment of wood-destroying organisms. and intends to clarify that~~ The purpose of this section is to ensure that ~~contract language describing the consumer understands whether a contract contains a guarantee or warranty is clear and easily identifiable for the protection of consumers and licensees for repair and retreatment or for retreatment only or contains no guarantee. Therefore, the provisions of this section shall apply to new contracts for the treatment of wood-destroying organisms issued by the licensee and signed by the customer after October 1, 2003. Unless the contract for treatment of wood-destroying organisms indicates conspicuously on the front page whether the guarantee or warranty is for repair and retreatment or for retreatment only or that no guarantee or warranty is offered, the term “guarantee” or “warranty” may be used in a contract~~

~~for treatment of wood-destroying organisms only in the following circumstances:~~

(a) ~~If the licensee promises to repair any property damaged by wood-destroying organisms during a specified period after the treatment, the term “full” or “unlimited” must be used together with the term “guarantee” or “warranty” wherever that term occurs other than in a disclaimer under subsection (2).~~

(b) ~~If the licensee promises only to provide additional treatment if infestation occurs during a specified period after treatment, the term “limited” must be used with the term “guarantee” or “warranty” wherever that term occurs other than in a disclaimer under subsection (2).~~

(c) ~~If the licensee does not promise to repair the property or provide additional treatment, the term “guarantee” or “warranty” may not be used except in a disclaimer under subsection (2).~~

(2) *Any contract for treatment of wood-destroying organisms must specify on the first page in bold print that the guarantee or warranty is for repair and retreatment or for retreatment only or that no warranty or guarantee is offered. A disclaimer indicating that no guarantee or warranty is offered under the contract must appear in conspicuous type on the face of the contract.*

(3) *The contract for treatment of wood-destroying organisms must specify on the first page in bold print whether there are any disclaimers, limitations, conditions, or exclusions on the licensee’s obligation to repair or retreat the property. Contract sections describing disclaimers, limitations, conditions, or exclusions applicable to the licensee’s obligation to repair or retreat the property must contain headings in bold print.*

(4) *If a contract for treatment of wood-destroying organisms contains a disclaimer, limitation, condition, or exclusion applicable to the licensee’s obligation to repair or retreat the property, the term “full” or “unlimited” may not be used together with the term “guarantee” or “warranty.”*

Section 40. *It is the intent of the Legislature to phase in the requirements set forth in section 39 of this act to provide that the requirements of s. 482.227, Florida Statutes, as amended by section 39, apply only to contracts for the treatment of wood-destroying organisms issued by the licensee and signed by the customer on or after October 1, 2003.*

Section 41. Except as otherwise provided herein, this act shall take effect July 1, 2002.

And the title is amended as follows:

On page 5, line 14,
remove: all of said line

and insert: W. Hunt Building; amending s. 482.227, F.S.; revising requirements relating to guarantees and warranties in contracts for treatment of wood-destroying organisms; providing legislative intent with respect to such guarantees and warranties; providing effective dates.

Rep. Goodlette moved the adoption of the amendment, which was adopted by the required two-thirds vote.

Representative(s) Stansel offered the following:

(Amendment Bar Code: 461791)

Amendment 21 (with title amendment)—On page 46, line 4, remove: all of said line

and insert:

Section 38. Paragraphs (a) and (c) of subsection (1) and subsections (4), (5), (6), (7), (8), and (9) of section 163.05, Florida Statutes, are amended to read:

163.05 Small County Technical Assistance Program.—

(1) Among small counties, the Legislature finds that:

(a) The percentage of the population of small counties residing in the unincorporated areas is relatively high based on the *United States Decennial Census of 2000* and increased substantially between 1980 and 1990.

(c) Fiscal shortfalls persist even though 12 13 of the small counties levied the maximum ad valorem millage authorized in their jurisdictions in 2001 1999 and an additional 15 13 small counties levied between 8 and 10 mills.

(4) The *Commissioner of Agriculture Comptroller* shall enter into contracts with program providers who shall:

(a) Be a foundation that meets the requirements for nonprofit status under s. 501(c)(3) of the Internal Revenue Code with a governing board which includes in its membership county commissioners and professional staff of the county public agency or private, nonprofit corporation, association, or entity.

(b) Have substantial and documented experience working closely with county governments in providing both educational and technical assistance.

(c)(b) Use existing resources, services, and information that are available from state or local agencies, universities, or the private sector.

(d)(e) Seek and accept funding from any public or private source.

(d) Annually submit information to assist the Legislative Committee on Intergovernmental Relations in preparing a performance review that will include an analysis of the effectiveness of the program.

(e) Assist small counties in developing alternative revenue sources.

(f) Provide assistance to small counties in the areas such as of financial management, accounting, investing, purchasing, planning and budgeting, debt issuance, public management, management systems, computers and information technology, economic and community development, and public safety management.

(g) Provide for an annual independent financial audit of the program.

(h) In each county served, conduct a needs assessment upon which the assistance provided for that county will be designed.

(5)(a) The *Commissioner of Agriculture Comptroller* shall issue a request for proposals to provide assistance to small counties. *The request for proposals shall be required no more frequently than every third year beginning with fiscal year 2004-2005. All contracts in existence on the effective date of this act between the Comptroller and any other party with respect to the Small County Technical Assistance Program may be accepted by the Commissioner of Agriculture as the party in interest and said contracts shall remain in full force and effect according to their terms. At the request of the Comptroller, the Legislative Committee on Intergovernmental Relations shall assist in the preparation of the request for proposals.*

(b) The *Commissioner of Agriculture Comptroller* shall review each contract proposal submitted.

(e) ~~The Legislative Committee on Intergovernmental Relations shall review each contract proposal and submit to the Comptroller, in writing, advisory comments and recommendations, citing with specificity the reasons for its recommendations.~~

(c)(d) The *Commissioner of Agriculture Comptroller and the council* shall consider the following factors in reviewing contract proposals:

1. The demonstrated capacity of the provider to conduct needs assessments and implement the program as proposed.
2. The number of small counties to be served under the proposal.

3. The cost of the program as specified in a proposed budget.

4. The short-term and long-term benefits of the assistance to small counties.

5. The form and extent to which existing resources, services, and information that are available from state and local agencies, universities, and the private sector will be used by the provider under the contract.

(6) A decision of the *Commissioner of Agriculture Comptroller* to award a contract under this section is final and shall be in writing with a copy provided to the Legislative Committee on Intergovernmental Relations.

~~(7) The Comptroller may enter into contracts and agreements with other state and local agencies and with any person, association, corporation, or entity other than the program providers, for the purpose of administering this section.~~

(7)(8) The *Commissioner of Agriculture Comptroller* shall provide fiscal oversight to ensure that funds expended for the program are used in accordance with the contracts entered into pursuant to subsection (4) and shall conduct a performance review of the program as may be necessary to ensure that the goals and objectives of the program are being met.

~~(9) The Legislative Committee on Intergovernmental Relations shall annually conduct a performance review of the program. The findings of the review shall be presented in a report submitted to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Comptroller by January 15 of each year.~~

Section 39. *Specific Appropriation 2252 in the 2002-2003 General Appropriations Act is hereby repealed and an identical amount is hereby appropriated to the Department of Agriculture and Consumer Services from the General Revenue Fund for the purposes of this act.*

Section 40. Sections 38 and 39 shall take effect June 30, 2002.

Section 41. Unless otherwise provided for in the bill, this act shall take effect July 1, 2002.

And the title is amended as follows:

On page 1, line 5 after the semicolon,

insert: amending s. 163.05, F.S.; revising legislative findings; providing criteria for contracts between the Commissioner of Agriculture and program providers; deleting responsibilities of the Comptroller and the Legislative Committee on Intergovernmental Relations; authorizing the Commissioner of Agriculture to award contracts to provide assistance to small counties; requiring the Commissioner of Agriculture to provide fiscal oversight and performance reviews; providing an appropriation; providing effective dates.

Rep. Stansel moved the adoption of the amendment, which was adopted by the required two-thirds vote.

The question recurred on the passage of CS/HB 1681. The vote was:

Session Vote Sequence: 1107

Yeas—116

The Chair	Barreiro	Brummer	Detert
Alexander	Bean	Brutus	Diaz de la Portilla
Allen	Bendross-Mindingall	Bucher	Diaz-Balart
Andrews	Bennett	Bullard	Dockery
Argenziano	Bense	Byrd	Evers
Arza	Benson	Cantens	Farkas
Attkisson	Berfield	Carassas	Fasano
Atwater	Betancourt	Clarke	Fields
Ausley	Bilirakis	Crow	Fiorentino
Baker	Bowen	Cusack	Flanagan
Ball	Brown	Davis	Frankel

Gannon	Jordan	Maygarden	Russell
Garcia	Joyner	McGriff	Ryan
Gardiner	Justice	Meadows	Seiler
Gibson	Kallinger	Mealor	Simmons
Goodlette	Kendrick	Melvin	Siplin
Gottlieb	Kilmer	Murman	Slosberg
Green	Kosmas	Needelman	Smith
Greenstein	Kottkamp	Negron	Sobel
Harper	Kravitz	Paul	Sorensen
Harrell	Kyle	Peterman	Spratt
Harrington	Lacasa	Pickens	Stansel
Hart	Lee	Prieguez	Trovillion
Henriquez	Lerner	Rich	Wallace
Heyman	Littlefield	Richardson	Waters
Hogan	Lynn	Ritter	Weissman
Holloway	Machek	Romeo	Wiles
Jennings	Mahon	Ross	Wilson
Johnson	Mayfield	Rubio	Wishner

Nays—2

Haridopolos Mack

Votes after roll call:

Yeas—Gelber

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

CS/HB 1307—A bill to be entitled An act relating to building code development and administration; requiring the Florida Building Commission to develop building code provisions to facilitate the rehabilitation and use of existing structures; requiring the commission to identify legislative changes required to implement code provisions; requiring a report to the Legislature; amending s. 399.01, F.S.; revising and removing definitions; requiring that elevator service maintenance contracts be made available to the Department of Business and Professional Regulation upon request for oversight purposes; revising qualifications for an elevator certificate of competency; amending s. 399.02, F.S.; providing that each elevator owner is responsible for inspections and correction of code deficiencies; eliminating a requirement that the department review service maintenance contracts and determine whether they ensure safe operation; amending s. 399.03, F.S.; revising requirements relating to the design, installation, and alteration of conveyances; providing additional requirements for issuance of elevator permits; revising reporting requirements; providing requirements for temporary operation inspections; amending s. 399.049, F.S.; revising grounds for suspension or revocation of certification or registration; amending s. 399.061, F.S.; eliminating the requirement that annual inspections be conducted through third-party inspection services; revising reporting requirements relating to service maintenance contracts; revising requirements relating to the correction of violations; amending s. 399.07, F.S.; extending the period of validity of certificates of operation from 1 to 2 years; revising fee provisions to conform; amending s. 399.105, F.S.; providing administrative fines for violations relating to reporting, operating a sealed elevator, and complying with correction orders; eliminating a restriction on the issuance of an administrative fine relating to commencing installation without a construction permit; amending s. 399.106, F.S.; correcting a reference; amending s. 399.125, F.S.; eliminating the requirement to report elevator incidents; amending s. 399.13, F.S.; allowing municipalities or counties that assume elevator inspection duties to hire private inspectors to conduct inspections; amending s. 553.512, F.S.; requiring the granting of a waiver of certain requirements for accessibility purposes under certain circumstances; amending s. 553.73, F.S.; revising provisions governing local government amendments to the technical provisions of the Florida Building Code; amending s. 553.74, F.S.; revising eligibility for membership on the Florida Building Commission; amending s. 553.77, F.S.; providing additional specific powers, duties, and requirements of the commission; providing legislative intent; amending s. 553.791, F.S.; providing alternative procedures for building plans review and inspection; providing definitions; authorizing use of a private provider to review plans and

make building code inspections under certain circumstances; providing a limitation; requiring notice to the local building official; specifying notice information; specifying requirements, duties, and responsibilities of a private provider; providing for a certificate of compliance; providing duties of the local building official; providing procedures for approval or denial of a certificate of compliance or a building permit; prohibiting local entities from adopting or enforcing certain laws, rules, procedures, or standards; requiring a private provider to maintain certain insurance; subjecting private providers to certain disciplinary provisions; limiting use of a private provider under certain circumstances; requiring local building code enforcement agencies to develop and maintain a process to audit the performance of building code inspection services; providing immunity from liability; amending s. 604.50, F.S.; redefining the term “nonresidential farm building” for purposes of an exemption from the Florida Building Code; amending s. 627.0629, F.S.; revising timeframe for rate filing for residential property insurance; providing an effective date.

—was read the third time by title.

Representative(s) Bennett offered the following:

(Amendment Bar Code: 491095)

Amendment 2 (with title amendment)—On page 4, line 7,

insert:

Section 1. Paragraph (e) of subsection (8) of section 553.73, Florida Statutes, is amended to read:

553.73 Florida Building Code.—

(8) The following buildings, structures, and facilities are exempt from the Florida Building Code as provided by law, and any further exemptions shall be as determined by the Legislature and provided by law:

(e) Mobile or modular structures ~~homes~~ used as temporary offices, except that the provisions of part V relating to accessibility by persons with disabilities shall apply to such mobile or modular structures ~~homes~~.

With the exception of paragraphs (a), (b), (c), and (f), in order to preserve the health, safety, and welfare of the public, the Florida Building Commission may, by rule adopted pursuant to chapter 120, provide for exceptions to the broad categories of buildings exempted in this section, including exceptions for application of specific sections of the code or standards adopted therein. The Department of Agriculture and Consumer Services shall have exclusive authority to adopt by rule, pursuant to chapter 120, exceptions to nonresidential farm buildings exempted in paragraph (c) when reasonably necessary to preserve public health, safety, and welfare. The exceptions must be based upon specific criteria, such as under-roof floor area, aggregate electrical service capacity, HVAC system capacity, or other building requirements. Further, the commission may recommend to the Legislature additional categories of buildings, structures, or facilities which should be exempted from the Florida Building Code, to be provided by law.

And the title is amended as follows:

On page 1, line 3, after the semicolon,

insert: amending s. 553.73, F.S., relating to the Florida Building Code; exempting modular structures from the code;

Rep. Bennett moved the adoption of the amendment.

On motion by Rep. Bennett, further consideration of **Amendment 2** was temporarily postponed under Rule 11.10.

Subsequently, the question recurred on the adoption of **Amendment 2**, which was adopted by the required two-thirds vote.

REPRESENTATIVE FASANO IN THE CHAIR

Representative(s) Cantens offered the following:

(Amendment Bar Code: 345207)

Amendment 3 (with title amendment)—On page 27, line 15 remove: all of said line

and insert: ~~under chapter 120 and the uniform rules of procedure. Any such~~

Rep. Cantens moved the adoption of the amendment, which was adopted by the required two-thirds vote.

Representative(s) Cantens offered the following:

(Amendment Bar Code: 280711)

Amendment 4—On page 32, line 21, of the bill after the period, insert: *For purposes of performing inspections under this section, the term “private provider” also includes a person who holds a standard certificate under part XII of chapter 468.*

Rep. Cantens moved the adoption of the amendment.

Representative(s) Cantens offered the following:

(Amendment Bar Code: 214171)

Substitute Amendment 4—On page 32, line 21, of the bill after the period, insert: *For purposes of performing inspections under this section for additions and alterations that are limited to 1000 square feet or less to residential buildings, the term “private provider” also includes a person who holds a standard certificate under part XII of chapter 468.*

Rep. Cantens moved the adoption of the substitute amendment, which was adopted by the required two-thirds vote.

Representative(s) Cantens offered the following:

(Amendment Bar Code: 153011)

Amendment 5 (with title amendment)—On page 41, between lines 26 and 27, of the bill

insert:
(19) The Florida Building Commission shall report on the implementation of this section to the Legislature on or before January 1, 2004, as part of the report required by s. 553.77(1)(b).

And the title is amended as follows:

On page 3, line 29, after the first semicolon

insert: requiring a report;

Rep. Cantens moved the adoption of the amendment, which was adopted by the required two-thirds vote.

Representative(s) Cantens offered the following:

(Amendment Bar Code: 162627)

Amendment 6 (with title amendment)—On page 41, between lines 26 and 27,

insert:
Section 17. Paragraph (a) of subsection (6) of section 553.842, Florida Statutes, is amended to read:

553.842 Product evaluation and approval.—

(6) Statewide or local approval of products, methods, or systems of construction may be achieved by one of the following methods. One of these methods must be used by local officials or the commission to approve the following categories of products: panel walls, exterior doors, roofing, skylights, windows, shutters, and structural components as established by the commission by rule.

(a) Products for which the code establishes standardized testing or comparative or rational analysis methods shall be approved by submittal and validation of one of the following reports or listings indicating that the product or method or system of construction was evaluated to be in compliance with the Florida Building Code and that the product or method or system of construction is, for the purpose intended, at least equivalent to that required by the Florida Building Code:

1. A certification mark or listing of an approved certification agency;
2. A test report from an approved testing laboratory;
3. A product evaluation report based upon testing or comparative or rational analysis, or a combination thereof, from an approved product evaluation entity; or
4. A product evaluation report based upon testing or comparative or rational analysis, or a combination thereof, developed and signed and sealed by a professional engineer or architect, licensed in this state.

A product evaluation report or a certification mark or listing of an approved certification agency which demonstrates that the product or method or system of construction complies with the Florida Building Code for the purpose intended shall be equivalent to a test report and test procedure as referenced in the Florida Building Code.

And the title is amended as follows:

On page 3, line 29, after “liability;”

insert: amending s. 553.842, F.S.; providing certain equivalency with respect to product evaluation and approval under the Florida Building Code;

Rep. Cantens moved the adoption of the amendment, which was adopted by the required two-thirds vote.

The question recurred on the passage of CS/HB 1307. The vote was:

Session Vote Sequence: 1108

Yeas—107

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

Nays—9

Bucher	Gannon	Joyner	Weissman
Cusack	Heyman	Justice	Wiles
Frankel			

Votes after roll call:

Yeas—Henriquez

Nays to Yeas—Heyman

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

HB 1627 was taken up. On motion by Rep. Evers, the rules were waived and—

CS for SB 2178—A bill to be entitled 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.

—was substituted for HB 1627 and read the second time by title. Under Rule 5.15, the House bill was laid on the table.

On motion by Rep. Evers, the rules were waived and CS for SB 2178 was read the third time by title. On passage, the vote was:

Session Vote Sequence: 1109

Yeas—105

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

Nays—10

Baker	Haridopolos	Kottkamp	Negron
Bennett	Hart	Mack	Spratt
Gottlieb	Kallinger		

Votes after roll call:

Yeas—Mealor, Russell

Yeas to Nays—Bean

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

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.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 1110

Yeas—115

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

Nays—None

Votes after roll call:

Yeas—Bense, Frankel, Henriquez, Lynn

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

CS/HB 819—A bill to be entitled An act relating to environmental protection; amending s. 373.114, F.S.; providing that certain water management district orders and rules are not subject to specified review; amending s. 403.412, F.S., the “Environmental Protection Act of 1971”; revising requirements for initiating specified proceedings under that act; providing an effective date.

—was read the third time by title.

Representative(s) Cantens, Goodlette, and Greenstein offered the following:

(Amendment Bar Code: 443087)

Amendment 3—On page 1, line 13 through page 8 line 26 remove: all of said lines

and insert:

Section 1. Subsection (1) of section 373.114, Florida Statutes, is amended to read:

373.114 Land and Water Adjudicatory Commission; review of district rules and orders; department review of district rules.—

(1) Except as provided in subsection (2), the Governor and Cabinet, sitting as the Land and Water Adjudicatory Commission, have the exclusive authority to review any order or rule of a water management district, other than a rule relating to an internal procedure of the district or a recommended order resulting from an evidentiary hearing held under s. 120.569 or s. 120.57 or a rule that has been adopted after issuance of a final order resulting from an evidentiary hearing held under s. 120.56, to ensure consistency with the provisions and purposes of this chapter. Subsequent to the legislative ratification of the delineation methodology pursuant to s. 373.421(1), this subsection also shall apply to an order of the department, or a local government exercising delegated authority, pursuant to ss. 373.403-373.443, except an order pertaining to activities or operations subject to conceptual plan approval pursuant to chapter 378 or a recommended order resulting from an evidentiary hearing held under s. 120.569 or s. 120.57.

(a) Such review may be initiated by the department or by a party to the proceeding below by filing a request for review with the Land and Water Adjudicatory Commission and serving a copy on the department and on any person named in the rule or order within 20 days after adoption of the rule or the rendering of the order. For the purposes of this section, the term “party” means any affected person who submitted oral or written testimony, sworn or unsworn, of a substantive nature which stated with particularity objections to or support for the rule or order that are cognizable within the scope of the provisions and purposes of this chapter, ~~or any person who participated as a party in a proceeding instituted pursuant to chapter 120.~~ In order for the commission to accept a request for review initiated by a party below, with regard to a specific order, ~~three~~ ~~four~~ members of the commission must determine on the basis of the record below that the activity authorized by the order would substantially affect natural resources of statewide or regional significance. Review of an order may also be accepted if ~~three~~ ~~four~~ members of the commission determine that the order raises issues of policy, statutory interpretation, or rule interpretation that have regional or statewide significance from the standpoint of agency precedent. The party requesting the commission to review an order must allege with particularity, and the commission must find, that:

1. The order is in conflict with statutory requirements; or
2. The order is in conflict with the requirements of a duly adopted rule.

(b) Review by the Land and Water Adjudicatory Commission is appellate in nature and shall be based solely on the record below *unless the commission determines that a remand for a formal evidentiary proceeding is necessary to develop additional findings of fact.* If there is ~~was~~ no evidentiary administrative proceeding *resulting from a remand or referral for findings of fact by the commission, then below,* the facts contained in the proposed agency action or proposed water management district action, including any technical staff report, shall be deemed undisputed. The matter shall be heard by the commission not more than 60 days after receipt of the request for review, unless waived by the parties. *The commission may refer a request for review to the Division of Administrative Hearings for the production of findings of fact, limited to those needed to render the decision requested, to supplement the record, if a majority of the commission determines that supplementary findings of fact are essential to determine the consistency of a rule or order with the provisions and purposes of this chapter. Alternatively, the commission may remand the matter to the agency below for additional findings of fact, limited to those needed to render the decision requested, to supplement the record, if a majority of the commission determines that supplementary findings of fact are essential to determine the consistency of a rule or order with the provisions and purposes of this chapter. Such proceedings must be conducted and the findings transmitted to the commission within 90 days of the remand or referral.*

(c) If the Land and Water Adjudicatory Commission determines that a rule of a water management district is not consistent with the provisions and purposes of this chapter, it may require the water management district to initiate rulemaking proceedings to amend or repeal the rule. If the commission determines that an order is not consistent with the provisions and purposes of this chapter, the commission may rescind or modify the order or remand the proceeding for further action consistent with the order of the Land and Water Adjudicatory Commission only if the commission determines that the activity authorized by the order would substantially affect natural resources of statewide or regional significance. In the case of an order which does not itself substantially affect natural resources of statewide or regional significance, but which raises issues of policy that have regional or statewide significance from the standpoint of agency precedent, the commission may direct the district to initiate rulemaking to amend its rules to assure that future actions are consistent with the provisions and purposes of this chapter without modifying the order.

(d) In a review under this section of a construction permit issued pursuant to a conceptual permit under part IV, which conceptual permit is issued after July 1, 1993, a party to the review may not raise an issue which was or could have been raised in a review of the conceptual permit under this section.

(e) A request for review under this section shall not be a precondition to the seeking of judicial review pursuant to s. 120.68 or the seeking of an administrative determination of rule validity pursuant to s. 120.56.

(f) The Florida Land and Water Adjudicatory Commission may adopt rules to set forth its procedures for reviewing an order or rule of a water management district consistent with the provisions of this section.

(g) For the purpose of this section, it shall be presumed that activity authorized by an order will not affect resources of statewide or regional significance if the proposed activity:

1. Occupies an area less than 10 acres in size, and
2. Does not create impervious surfaces greater than 2 acres in size, and
3. Is not located within 550 feet of the shoreline of a named body of water designated as Outstanding Florida Waters, and
4. Does not adversely affect threatened or endangered species.

This paragraph shall not operate to hold that any activity that exceeds these limits is presumed to affect resources of statewide or regional significance. The determination of whether an activity will substantially affect resources of statewide or regional significance shall be made on a case-by-case basis, based upon facts contained in the record below.

Section 2. Subsection (5) of section 403.412, Florida Statutes, is amended, present subsection (6) is renumbered as subsection (7), and a new subsection (6) is added to said section to read:

403.412 Environmental Protection Act.—

(5) In any administrative, licensing, or other proceedings authorized by law for the protection of the air, water, or other natural resources of the state from pollution, impairment, or destruction, the Department of Legal Affairs, a political subdivision or municipality of the state, or a citizen of the state shall have standing to intervene as a party on the filing of a verified pleading asserting that the activity, conduct, or product to be licensed or permitted has or will have the effect of impairing, polluting, or otherwise injuring the air, water, or other natural resources of the state. *As used in this section and as it relates to citizens, the term “intervene” means to join an ongoing s. 120.569 or s. 120.57 proceeding; this section does not authorize a citizen to institute, initiate, petition for, or request a proceeding under s. 120.569 or s. 120.57. Nothing herein limits or prohibits a citizen whose substantial interests will be determined or affected by a proposed agency action from initiating a formal administrative proceeding under s. 120.569 or s. 120.57, and nothing herein limits or prohibits a citizen from initiating an administrative proceeding under this subsection if the citizen meets*

the standing requirements for judicial review of a case or controversy pursuant to Article III of the United States Constitution in a matter pertaining to a federally delegated or approved program. For purposes of this section, a citizen's substantial interests will be considered to be determined or affected if the party demonstrates it may suffer an injury in fact which is of sufficient immediacy and is of the type and nature intended to be protected by this chapter. No demonstration of special injury different in kind from the general public at large is required. A sufficient demonstration of a substantial interest may be made by a petitioner who establishes that the proposed activity, conduct, or product to be licensed or permitted affects the petitioner's use or enjoyment of air, water, or natural resources protected by this chapter.

(6) *Any Florida corporation not for profit which has at least 25 current members residing within the county where the activity is proposed, and which was formed for the purpose of the protection of the environment, fish and wildlife resources, and protection of air and water quality, may initiate a hearing pursuant to s. 120.569 or s. 120.57, provided that the Florida corporation not for profit was formed at least one year prior to the date of the filing of the application for a permit, license, or authorization that is the subject of the notice of proposed agency action.*

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

Rep. Cantens moved the adoption of the amendment.

Representative(s) Cantens offered the following:

(Amendment Bar Code: 644005)

Substitute Amendment 3—On page 1, line 13 through page 8, line 26
remove: all of said lines

and insert:

Section 1. Subsection (1) of section 373.114, Florida Statutes, is amended to read:

373.114 Land and Water Adjudicatory Commission; review of district rules and orders; department review of district rules.—

(1) Except as provided in subsection (2), the Governor and Cabinet, sitting as the Land and Water Adjudicatory Commission, have the exclusive authority to review any order or rule of a water management district, other than a rule relating to an internal procedure of the district or a final order resulting from an evidentiary hearing held under s. 120.569 or s. 120.57 or a rule that has been adopted after issuance of a final order resulting from an evidentiary hearing held under s. 120.56, to ensure consistency with the provisions and purposes of this chapter. Subsequent to the legislative ratification of the delineation methodology pursuant to s. 373.421(1), this subsection also shall apply to an order of the department, or a local government exercising delegated authority, pursuant to ss. 373.403-373.443, except an order pertaining to activities or operations subject to conceptual plan approval pursuant to chapter 378 or a final order resulting from an evidentiary hearing held under s. 120.569 or s. 120.57.

(a) Such review may be initiated by the department or by a party to the proceeding below by filing a request for review with the Land and Water Adjudicatory Commission and serving a copy on the department and on any person named in the rule or order within 20 days after adoption of the rule or the rendering of the order. For the purposes of this section, the term "party" means any affected person who submitted oral or written testimony, sworn or unsworn, of a substantive nature which stated with particularity objections to or support for the rule or order that are cognizable within the scope of the provisions and purposes of this chapter, ~~or any person who participated as a party in a proceeding instituted pursuant to chapter 120.~~ In order for the commission to accept a request for review initiated by a party below, with regard to a specific order, ~~three~~ ~~four~~ members of the commission must determine on the basis of the record below that the activity authorized by the order would substantially affect natural resources of statewide or regional significance. Review of an order may also be accepted if ~~three~~ ~~four~~ members of the commission determine that the

order raises issues of policy, statutory interpretation, or rule interpretation that have regional or statewide significance from the standpoint of agency precedent. The party requesting the commission to review an order must allege with particularity, and the commission must find, that:

1. The order is in conflict with statutory requirements; or
2. The order is in conflict with the requirements of a duly adopted rule.

(b) Review by the Land and Water Adjudicatory Commission is appellate in nature and shall be based solely on the record below *unless the commission determines that a remand for a formal evidentiary proceeding is necessary to develop additional findings of fact.* If there is ~~was~~ no evidentiary administrative proceeding resulting from a remand or referral for findings of fact by the commission, then ~~below~~, the facts contained in the proposed agency action or proposed water management district action, including any technical staff report, shall be deemed undisputed. The matter shall be heard by the commission not more than 60 days after receipt of the request for review, unless waived by the parties; *provided, however, such time limit shall be tolled by a referral or remand pursuant to this paragraph. The commission may refer a request for review to the Division of Administrative Hearings for the production of findings of fact, limited to those needed to render the decision requested, to supplement the record, if a majority of the commission determines that supplementary findings of fact are essential to determine the consistency of a rule or order with the provisions and purposes of this chapter. Alternatively, the commission may remand the matter to the agency below for additional findings of fact, limited to those needed to render the decision requested, to supplement the record, if a majority of the commission determines that supplementary findings of fact are essential to determine the consistency of a rule or order with the provisions and purposes of this chapter. Such proceedings must be conducted and the findings transmitted to the commission within 90 days of the remand or referral.*

(c) If the Land and Water Adjudicatory Commission determines that a rule of a water management district is not consistent with the provisions and purposes of this chapter, it may require the water management district to initiate rulemaking proceedings to amend or repeal the rule. If the commission determines that an order is not consistent with the provisions and purposes of this chapter, the commission may rescind or modify the order or remand the proceeding for further action consistent with the order of the Land and Water Adjudicatory Commission only if the commission determines that the activity authorized by the order would substantially affect natural resources of statewide or regional significance. In the case of an order which does not itself substantially affect natural resources of statewide or regional significance, but which raises issues of policy that have regional or statewide significance from the standpoint of agency precedent, the commission may direct the district to initiate rulemaking to amend its rules to assure that future actions are consistent with the provisions and purposes of this chapter without modifying the order.

(d) In a review under this section of a construction permit issued pursuant to a conceptual permit under part IV, which conceptual permit is issued after July 1, 1993, a party to the review may not raise an issue which was or could have been raised in a review of the conceptual permit under this section.

(e) A request for review under this section shall not be a precondition to the seeking of judicial review pursuant to s. 120.68 or the seeking of an administrative determination of rule validity pursuant to s. 120.56.

(f) The Florida Land and Water Adjudicatory Commission may adopt rules to set forth its procedures for reviewing an order or rule of a water management district consistent with the provisions of this section.

(g) For the purpose of this section, it shall be presumed that activity authorized by an order will not affect resources of statewide or regional significance if the proposed activity:

1. Occupies an area less than 10 acres in size, and

- 2. Does not create impervious surfaces greater than 2 acres in size, and
- 3. Is not located within 550 feet of the shoreline of a named body of water designated as Outstanding Florida Waters, and
- 4. Does not adversely affect threatened or endangered species.

This paragraph shall not operate to hold that any activity that exceeds these limits is presumed to affect resources of statewide or regional significance. The determination of whether an activity will substantially affect resources of statewide or regional significance shall be made on a case-by-case basis, based upon facts contained in the record below.

Section 2. Subsection (5) of section 403.412, Florida Statutes, is amended, present subsection (6) is renumbered as subsection (8), and new subsections (6) and (7) are added to said section to read:

403.412 Environmental Protection Act.—

(5) In any administrative, licensing, or other proceedings authorized by law for the protection of the air, water, or other natural resources of the state from pollution, impairment, or destruction, the Department of Legal Affairs, a political subdivision or municipality of the state, or a citizen of the state shall have standing to intervene as a party on the filing of a verified pleading asserting that the activity, conduct, or product to be licensed or permitted has or will have the effect of impairing, polluting, or otherwise injuring the air, water, or other natural resources of the state. *As used in this section and as it relates to citizens, the term “intervene” means to join an ongoing s. 120.569 or s. 120.57 proceeding; this section does not authorize a citizen to institute, initiate, petition for, or request a proceeding under s. 120.569 or s. 120.57. Nothing herein limits or prohibits a citizen whose substantial interests will be determined or affected by a proposed agency action from initiating a formal administrative proceeding under s. 120.569 or s. 120.57. A citizen’s substantial interests will be considered to be determined or affected if the party demonstrates it may suffer an injury in fact which is of sufficient immediacy and is of the type and nature intended to be protected by this chapter. No demonstration of special injury different in kind from the general public at large is required. A sufficient demonstration of a substantial interest may be made by a petitioner who establishes that the proposed activity, conduct, or product to be licensed or permitted affects the petitioner’s use or enjoyment of air, water, or natural resources protected by this chapter.*

(6) *Any Florida corporation not for profit which has at least 25 current members residing within the county where the activity is proposed, and which was formed for the purpose of the protection of the environment, fish and wildlife resources, and protection of air and water quality, may initiate a hearing pursuant to s. 120.569 or s. 120.57, provided that the Florida corporation not for profit was formed at least one year prior to the date of the filing of the application for a permit, license, or authorization that is the subject of the notice of proposed agency action.*

(7) *In a matter pertaining to a federally delegated or approved program, a citizen of the state may initiate an administrative proceeding under this subsection if the citizen meets the standing requirements for judicial review of a case or controversy pursuant to Article III of the United States Constitution.*

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

Rep. Cantens moved the adoption of the substitute amendment.

Rep. Romeo moved that, under Rule 12.2(c), a late-filed amendment to the substitute amendment be allowed for consideration, which was not agreed to.

The question recurred on the adoption of **Substitute Amendment 3**, which was adopted by the required two-thirds vote.

THE SPEAKER IN THE CHAIR

REPRESENTATIVE MAYGARDEN IN THE CHAIR

The question recurred on the passage of CS/HB 819. The vote was:

Session Vote Sequence: 1111

Yeas—71

The Chair	Brummer	Haridopolos	Mahon
Alexander	Byrd	Harper	Mayfield
Allen	Cantens	Harrell	Mealor
Andrews	Carassas	Harrington	Melvin
Arza	Clarke	Hart	Murman
Attkisson	Davis	Johnson	Needelman
Atwater	Detert	Jordan	Paul
Baker	Diaz de la Portilla	Kallinger	Pickens
Ball	Diaz-Balart	Kendrick	Prieguez
Barreiro	Dockery	Kilmer	Ross
Bean	Evers	Kottkamp	Rubio
Bennett	Farkas	Kravitz	Simmons
Bense	Fasano	Kyle	Sorensen
Benson	Feeney	Lacasa	Spratt
Berfield	Garcia	Littlefield	Stansel
Bilirakis	Gardiner	Lynn	Wallace
Bowen	Gibson	Machek	Waters
Brown	Goodlette	Mack	

Nays—46

Argenziano	Frankel	Kosmas	Ryan
Ausley	Gannon	Lee	Seiler
Bendross-Mindingall	Gelber	Lerner	Siplin
Betancourt	Gottlieb	McGriff	Slosberg
Brutus	Green	Meadows	Smith
Bucher	Greenstein	Negron	Sobel
Bullard	Henriquez	Peterman	Weissman
Crow	Heyman	Rich	Wiles
Cusack	Holloway	Richardson	Wilson
Fields	Jennings	Ritter	Wishner
Fiorentino	Joyner	Romeo	
Flanagan	Justice	Russell	

Votes after roll call:

Yeas—Hogan

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

Statement of Legislative Intent on CS/HB 819

On motion by Rep. Cantens, the rules were waived and the following statement was ordered spread upon the *Journal* in order to establish legislative intent:

It is the intent of myself as a sponsor of this legislation that it shall have the following effects with regard to citizen standing to initiate requests for formal administrative proceedings with regard to environmental permits.

1. With regard to individual citizens who are natural persons, all standing requirements to demonstrate substantial interest will be satisfied if the petitioner demonstrates that the proposed activity of the environmental permit will affect that person’s use or enjoyment of air, water, or natural resources. In other words, if that person fishes in the water body to be altered by a permit, watches birds there, or undertakes similar activity that will be changed by the fact a permit is granted, they will have standing.

2. With regard to Florida not-for-profit organizations—corporations formed to promote protection of the environment, fish and wildlife resources, or air and water quality, those organizations shall have automatic standing to initiate a formal proceeding under Chapter 120, provided that they have 25 current members in the county where the activity is proposed, and further provided that the organization was formed at least a year prior to the time a particular permit application was filed with an agency.

Nothing in this legislation alters the current statutes regarding the award of attorney's fees or costs in any way.

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 third time by title.

Representative(s) Bennett offered the following:

(Amendment Bar Code: 214113)

Amendment 2 (with title amendment)—On page 2, line 18, insert:

Section 1. Paragraph (c) of subsection (4) of section 723.037, Florida Statutes, is amended to read:

723.037 Lot rental increases; reduction in services or utilities; change in rules and regulations; mediation.—

(4)

(c) If the committee disagrees with a park owner's lot rental amount increase based upon comparable mobile home parks, the committee shall disclose to the park owner the name, address, lot rental amount, and any other relevant factors relied upon by the committee, such as facilities, services, and amenities, concerning the comparable mobile home parks. The committee shall provide to the park owner the disclosure, in writing, within 15 days after the meeting with the park owner, together with a request for a second meeting. *The park owner shall meet with the committee at a mutually convenient time and place within 30 days after receipt by the park owner of the request from the committee to discuss the disclosure provided by the committee.*

Section 2. Section 723.06116, Florida Statutes, is amended to read:

723.06116 Payments to the Florida Mobile Home Relocation Corporation ~~Trust Fund~~.—

(1) If a mobile home owner is required to move due to a change in use of the land comprising a mobile home park as set forth in s. 723.061(1)(d), the mobile home park owner shall, upon such change in use, pay to the *Florida Mobile Home Relocation Corporation* ~~department~~ for deposit in the Florida Mobile Home Relocation Trust Fund \$2,000 for each single-section mobile home and \$2,500 for each multisection mobile home for which a mobile home owner has made application for payment of moving expenses. *The mobile home park shall make the payments*

required by this section and by s. 723.0612(7) to the corporation within 30 days after receipt from the corporation of the invoice for payment.

(2) A mobile home park owner is not required to make the payment prescribed in subsection (1), nor is the mobile home owner entitled to compensation under s. 723.0612(1), when:

(a) The mobile home park owner moves a mobile home owner to another space in the mobile home park or to another mobile home park at the park owner's expense;

(b) A mobile home owner is vacating the premises and has informed the mobile home park owner or manager before the change in use notice has been given; or

(c) A mobile home owner abandons the mobile home as set forth in s. 723.0612(7)(8).

(3) *This section and s. 723.0612(7) are enforceable by the corporation by action in a court of appropriate jurisdiction.*

Section 3. Subsection (4) of section 723.0612, Florida Statutes, is amended to read:

723.0612 Change in use; relocation expenses; payments by park owner.—

(4) The Florida Mobile Home Relocation Corporation must approve payment within ~~45~~ *15* days after receipt of the information set forth in subsection (3), or payment is deemed approved. A copy of the approval must be forwarded to the park owner with an invoice for payment. Upon approval, the corporation shall issue a voucher in the amount of the contract price for relocating the mobile home. The moving contractor may redeem the voucher from the corporation following completion of the relocation and upon approval of the relocation by the mobile home owner.

And the title is amended as follows:

On page 1, line 3, after “cooperatives”

insert: and mobile homes; amending s. 723.037, F.S.; providing for a meeting between the park owner and a committee of affected mobile home owners with respect to certain lot rental amount increases; amending s. 723.06116, F.S.; correcting cross references; requiring that certain payments by a mobile home park be made to the Florida Mobile Home Relocation Corporation rather than the Department of Business and Professional Regulation; amending s. 723.0612, F.S.; increasing the time period for the corporation to provide copies of certain approvals;

Rep. Bennett moved the adoption of the amendment, which was adopted by the required two-thirds vote.

The question recurred on the passage of CS for CS for SB 694. The vote was:

Session Vote Sequence: 1112

Yeas—119

The Chair	Benson	Davis	Gelber
Alexander	Berfield	Detert	Gibson
Allen	Betancourt	Diaz de la Portilla	Goodlette
Andrews	Bilirakis	Diaz-Balart	Gottlieb
Argenziano	Bowen	Dockery	Green
Arza	Brown	Evers	Greenstein
Attkisson	Brummer	Farkas	Haridopolos
Atwater	Brutus	Fasano	Harper
Ausley	Bucher	Feeney	Harrell
Baker	Bullard	Fields	Harrington
Ball	Byrd	Fiorentino	Hart
Barreiro	Cantens	Flanagan	Henriquez
Bean	Carassas	Frankel	Heyman
Bendross-Mindingall	Clarke	Gannon	Hogan
Bennett	Crow	Garcia	Holloway
Bense	Cusack	Gardiner	Jennings

Johnson	Littlefield	Peterman	Slosberg
Jordan	Lynn	Pickens	Smith
Joyner	Machek	Prieguez	Sobel
Justice	Mack	Rich	Sorensen
Kallinger	Mahon	Richardson	Spratt
Kendrick	Mayfield	Ritter	Stansel
Kilmer	McGriff	Romeo	Trovillion
Kosmas	Meadows	Ross	Wallace
Kottkamp	Mealor	Rubio	Waters
Kravitz	Melvin	Russell	Weissman
Kyle	Murman	Ryan	Wiles
Lacasa	Needelman	Seiler	Wilson
Lee	Negron	Simmons	Wishner
Lerner	Paul	Siplin	

Nays—None

So the bill passed, as amended, and was immediately certified to the Senate.

On motion by Rep. Goodlette, the rules were waived and HR 9115 was allowed for introduction and consideration today.

Resolutions

By Representative Argenziano—

HR 9115—A resolution recognizing March 2002 as Women’s History Month.

WHEREAS, since the birthing of our nation, women from every walk of life have played a vital albeit many times silent and invisible role in its establishment and growth, and

WHEREAS, women have been active as leaders in every major social change, in those pertaining to their own rights of suffrage and equal opportunity, in those efforts that have brought about abolition and emancipation, in the labor and civil rights movements, and in promoting world peace and environmental protection, and

WHEREAS, women have made priceless contributions in the areas of the health, education, and welfare of the nation’s people, and

WHEREAS, all too often, the involvement of American women in the movements and events that have contributed toward the unprecedented quality of life enjoyed by the people of the United States has been overlooked and undervalued, and

WHEREAS, Governor Jeb Bush has proclaimed March 2002 as Women’s History Month in Florida, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That the House of Representatives most gladly recognizes March 2002 as Women’s History Month and joins with the Governor in urging all Floridians to take advantage of this unique opportunity to take note of the superlative contributions made by, and to honor, the women of the state and nation.

—was read the first time by title

THE SPEAKER PRO TEMPORE IN THE CHAIR

On motion by Rep. Argenziano the resolution was read the second time by title and adopted.

THE SPEAKER IN THE CHAIR

Continuation of Bills and Joint Resolutions on Third Reading

Bills for Consideration at 1:00 p.m. (Expedited)

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 effective dates.

—was read the third time by title.

REPRESENTATIVE BALL IN THE CHAIR

The question recurred on the passage of CS/HB 1763. The vote was:

Session Vote Sequence: 1113

Yeas—111

The Chair	Crow	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
Atwater	Dockery	Joyner	Richardson
Ausley	Evers	Justice	Romeo
Baker	Farkas	Kallinger	Ross
Barreiro	Fasano	Kendrick	Rubio
Bean	Feeney	Kilmer	Russell
Bendross-Mindingall	Fields	Kosmas	Ryan
Bennett	Fiorentino	Kottkamp	Seiler
Bense	Flanagan	Kravitz	Simmons
Benson	Frankel	Kyle	Slosberg
Berfield	Gannon	Lacasa	Smith
Betancourt	Garcia	Lee	Sobel
Bilirakis	Gelber	Lerner	Sorensen
Bowen	Gibson	Littlefield	Spratt
Brown	Goodlette	Machek	Stansel
Brummer	Gottlieb	Mack	Trovillion
Brutus	Green	Mayfield	Wallace
Bucher	Greenstein	Maygarden	Waters
Bullard	Haridopolos	McGriff	Weissman
Byrd	Harper	Meadows	Wiles
Cantens	Harrington	Melvin	Wilson
Carassas	Hart	Murman	Wishner
Clarke	Henriquez	Needelman	

Nays—1

Lynn

Votes after roll call:

Yeas—Attkisson, Harrell, Mealor, Ritter, Siplin

Nays to Yeas—Lynn

So the bill passed, as amended, and was immediately certified to the Senate.

HB 945—A bill to be entitled An act relating to the Jacksonville Seaport Authority; amending ch. 2001-319, Laws of Florida; authorizing applications to be filed for, and agreements with respect to, the establishment of bonded warehouses and a free port, foreign trade zone, or area for the reception from foreign countries of articles or commerce both within and without the territorial boundaries of Duval County; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 1114

Yeas—114

The Chair	Ausley	Berfield	Bullard
Alexander	Baker	Betancourt	Byrd
Allen	Barreiro	Bilirakis	Cantens
Andrews	Bean	Bowen	Carassas
Argenziano	Bendross-Mindingall	Brown	Clarke
Arza	Bennett	Brummer	Crow
Attkisson	Bense	Brutus	Cusack
Atwater	Benson	Bucher	Davis

Detert	Harrell	Lerner	Ross
Diaz de la Portilla	Harrington	Littlefield	Rubio
Diaz-Balart	Hart	Lynn	Russell
Dockery	Henriquez	Machek	Ryan
Evers	Heyman	Mack	Seiler
Farkas	Hogan	Mahon	Simmons
Fasano	Holloway	Maygarden	Slosberg
Feeney	Jennings	McGriff	Smith
Fields	Johnson	Meadows	Sobel
Flanagan	Jordan	Mealor	Sorensen
Frankel	Joyner	Melvin	Spratt
Garcia	Justice	Murman	Stansel
Gardiner	Kallinger	Needelman	Trovillion
Gelber	Kendrick	Negron	Wallace
Gibson	Kilmer	Paul	Waters
Goodlette	Kosmas	Peterman	Weissman
Gottlieb	Kottkamp	Pickens	Wiles
Green	Kravitz	Prieguez	Wilson
Greenstein	Kyle	Rich	Wishner
Haridopolos	Lacasa	Richardson	
Harper	Lee	Romeo	

Nays—None

Votes after roll call:

Yeas—Fiorentino, Ritter, Siplin

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

CS/HB 625—A bill to be entitled An act relating to trust funds; creating the Digital Divide Trust Fund in the State Technology Office; providing for sources of moneys and purposes; providing for administration of the fund; providing for future review and termination or re-creation of the trust fund; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 1115

Yeas—118

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

Wallace Weissman Wilson Wishner
 Waters Wiles

Nays—None

Votes after roll call:
 Yeas—Kilmer

So the bill passed by the required constitutional three-fifths vote of the membership and was immediately certified to the Senate.

CS/HB 1525 was taken up. On motion by Rep. Machek, the rules were waived and—

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.

—was substituted for CS/HB 1525 and read the second time by title. Under Rule 5.15, the House bill was laid on the table.

On motion by Rep. Machek, the rules were waived and CS for SB 1178 was read the third time by title. On passage, the vote was:

Session Vote Sequence: 1116

Yeas—116

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

Nays—None

Votes after roll call:
 Yeas—Romeo

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

On motion by Rep. Goodlette, the House moved to the consideration of HR 9105 on Special Orders.

Continuation of Special Orders

Continuation of Special Order Calendar

HR 9105—A resolution of gratitude to the residents of the City of Tallahassee and Leon County.

WHEREAS, each year as the residents of Tallahassee and Leon County prepare to welcome springtime, one of the most visible signs of the returning of the season is the increased activity around the Capitol Complex, coupled with a swelling of the population, as preparations are made for the opening of the annual session of the Florida Legislature, and

WHEREAS, at that time, the members of the Legislature and their staff take up residence in Tallahassee and Leon County for no less than 60 days, a period in which the renowned hospitality of the area is very much in evidence, and

WHEREAS, from simple courtesies extended to monumental tasks undertaken, individuals and groups alike have consistently demonstrated a cheerful willingness to be of help, a characteristic that adds to the warmth and beauty of the area and promotes a comfortable air of “home,” and

WHEREAS, it is fitting and proper that the citizens of Tallahassee and Leon County and their local officials and boards be commended for the warmth and hospitality with which they welcome these temporary residents, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That the House of Representatives expresses its heartfelt gratitude to the residents and commissions of the City of Tallahassee and Leon County for making their home a “home away from home” for the members and staff of the Legislature.

—was read the second time by title.

THE SPEAKER IN THE CHAIR

On motion by Rep. Ausley, the resolution was adopted.

Continuation of Bills and Joint Resolutions on Third Reading

REPRESENTATIVE BALL IN THE CHAIR

HB 1521—A bill to be entitled An act relating to local transportation facility improvement projects; amending s. 339.2817, F.S., relating to the County Incentive Grant Program within the Department of Transportation; providing procedure for application by a municipality; providing for project oversight authority and responsibility; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 1117

Yeas—113

The Chair	Brown	Fiorentino	Jennings
Alexander	Brummer	Flanagan	Johnson
Allen	Brutus	Frankel	Jordan
Andrews	Bucher	Gannon	Joyner
Argenziano	Bullard	Garcia	Justice
Arza	Byrd	Gardiner	Kallinger
Attkisson	Cantens	Gelber	Kendrick
Atwater	Carassas	Gibson	Kilmer
Ausley	Clarke	Goodlette	Kosmas
Baker	Crow	Gottlieb	Kravitz
Barreiro	Cusack	Green	Kyle
Bean	Davis	Greenstein	Lee
Bendross-Mindingall	Detert	Haridopolos	Lerner
Bennett	Diaz de la Portilla	Harper	Littlefield
Bense	Diaz-Balart	Harrell	Machek
Benson	Dockery	Hart	Mack
Berfield	Evers	Henriquez	Mahon
Betancourt	Farkas	Heyman	Mayfield
Bilirakis	Fasano	Hogan	Maygarden
Bowen	Fields	Holloway	McGriff

Meadows	Rich	Simmons	Wallace
Mealor	Richardson	Siplin	Waters
Melvin	Ritter	Slosberg	Weissman
Needelman	Romeo	Smith	Wiles
Negron	Ross	Sobel	Wilson
Paul	Rubio	Sorensen	Wishner
Peterman	Russell	Spratt	
Pickens	Ryan	Stansel	
Prieguez	Seiler	Trovillion	

Nays—None

Votes after roll call:

Yeas—Harrington, Kottkamp, Lynn, Murman

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

HB 1657 was taken up. On motion by Rep. Ryan, the rules were waived and—

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.

—was substituted for HB 1657 and read the second time by title. Under Rule 5.15, the House bill was laid on the table.

On motion by Rep. Ryan, the rules were waived and SB 2094 was read the third time by title. On passage, the vote was:

Session Vote Sequence: 1118

Yeas—113

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

Nays—None

Votes after roll call:

Yeas—Bense, Prieguez, Waters

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

CS/CS/HB 1247—A bill to be entitled An act relating to premium financing; amending s. 627.901, F.S.; providing for calculation of certain interest charges; authorizing billing interest in installments; amending

s. 627.902, F.S.; authorizing insurers, subsidiaries, corporations, or groups of insurers to impose certain additional service charges and fees; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 1119

Yeas—119

The Chair	Cusack	Hogan	Negron
Alexander	Davis	Holloway	Paul
Allen	Detert	Jennings	Peterman
Andrews	Diaz de la Portilla	Johnson	Pickens
Argenziano	Diaz-Balart	Jordan	Prieguez
Arza	Dockery	Joyner	Rich
Attkisson	Evers	Justice	Richardson
Atwater	Farkas	Kallinger	Ritter
Ausley	Fasano	Kendrick	Romeo
Baker	Feeney	Kilmer	Ross
Barreiro	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	Sobel
Bowen	Goodlette	Machek	Sorensen
Brown	Gottlieb	Mack	Spratt
Brummer	Green	Mahon	Stansel
Brutus	Greenstein	Mayfield	Trovillion
Bucher	Haridopolos	Maygarden	Wallace
Bullard	Harper	McGriff	Waters
Byrd	Harrell	Meadows	Weissman
Cantens	Harrington	Mealor	Wiles
Carassas	Hart	Melvin	Wilson
Clarke	Henriquez	Murman	Wishner
Crow	Heyman	Needelman	

Nays—None

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

CS/CS/HB 195—A bill to be entitled An act relating to public records; providing an exemption from public records requirements for records of insurers subject to delinquency proceedings; providing for retroactive application; providing for future review and repeal; providing a finding of public necessity; providing a contingent effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 1120

Yeas—113

The Chair	Betancourt	Evers	Harper
Alexander	Bilirakis	Farkas	Harrell
Allen	Bowen	Fasano	Harrington
Andrews	Brown	Feeney	Hart
Argenziano	Brummer	Fields	Henriquez
Attkisson	Brutus	Fiorentino	Heyman
Atwater	Bucher	Frankel	Hogan
Ausley	Bullard	Gannon	Holloway
Baker	Byrd	Garcia	Jennings
Barreiro	Carassas	Gardiner	Johnson
Bean	Clarke	Gelber	Jordan
Bendross-Mindingall	Crow	Gibson	Joyner
Bennett	Cusack	Gottlieb	Justice
Bense	Davis	Green	Kallinger
Benson	Detert	Greenstein	Kendrick
Berfield	Diaz-Balart	Haridopolos	Kilmer

Kosmas	Maygarden	Richardson	Sorensen
Kottkamp	McGriff	Ritter	Spratt
Kravitz	Meadows	Romeo	Stansel
Kyle	Mealor	Ross	Trovillion
Lacasa	Melvin	Rubio	Wallace
Lee	Murman	Russell	Waters
Lerner	Needelman	Ryan	Weissman
Littlefield	Negron	Seiler	Wiles
Lynn	Paul	Simmons	Wilson
Machek	Peterman	Siplin	Wishner
Mack	Pickens	Slosberg	
Mahon	Prieguez	Smith	
Mayfield	Rich	Sobel	

Nays—4

Arza	Dockery	Flanagan	Goodlette
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Votes after roll call:

Yeas to Nays—Argenziano, Fiorentino

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

CS/HB 385—A bill to be entitled An act relating to minority-owned property and casualty insurers; amending s. 624.4072, F.S.; increasing a period of exemption from certain taxes and assessments for certain minority businesses; extending a future repeal; providing an effective date.

—was read the third time by title.

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

Representative(s) Mealor offered the following:

(Amendment Bar Code: 515741)

Amendment 1 (with title amendment)—On page 2, between lines 10 and 11,

insert:

Section 2. Paragraph (c) of subsection (2) of section 215.555, Florida Statutes, is amended to read:

215.555 Florida Hurricane Catastrophe Fund.—

(2) DEFINITIONS.—As used in this section:

(c) “Covered policy” means any insurance policy covering residential property in this state, including, but not limited to, any homeowner’s, mobile home owner’s, farm owner’s, condominium association, condominium unit owner’s, tenant’s, or apartment building policy, or any other policy covering a residential structure or its contents issued by any authorized insurer, including any joint underwriting association or similar entity created pursuant to law. *The term “covered policy” includes any collateral protection insurance policy covering personal residences which protects both the borrower’s and the lender’s financial interests, if such insurance policy can be accurately reported as required in s. 215.555(5).* Additionally, covered policies include policies covering the peril of wind removed from the Florida Residential Property and Casualty Joint Underwriting Association, created pursuant to s. 627.351(6), or from the Florida Windstorm Underwriting Association, created pursuant to s. 627.351(2), by an authorized insurer under the terms and conditions of an executed assumption agreement between the authorized insurer and either such association. Each assumption agreement between either association and such authorized insurer must be approved by the Florida Department of Insurance prior to the effective date of the assumption, and the Department of Insurance must provide written notification to the board within 15 working days after such approval. “Covered policy” does not include any policy that excludes wind coverage or hurricane coverage or any reinsurance agreement and does not include any policy otherwise meeting this definition which is issued by a surplus lines insurer or a reinsurer.

And the title is amended as follows:

On page 1, line 7,
remove: all of said line

and insert: amending s. 215.555, F.S.; revising a definition; providing an effective date.

Rep. Mealor moved the adoption of the amendment, which was adopted by the required two-thirds vote.

The question recurred on the passage of CS/HB 385. The vote was:

Session Vote Sequence: 1121

Yeas—115

The Chair	Crow	Hogan	Negron
Alexander	Cusack	Holloway	Paul
Allen	Davis	Jennings	Peterman
Andrews	Detert	Johnson	Pickens
Argenziano	Diaz-Balart	Jordan	Prieguez
Arza	Dockery	Joyner	Rich
Attkisson	Evers	Justice	Ritter
Atwater	Farkas	Kallinger	Romeo
Ausley	Fasano	Kendrick	Ross
Baker	Feeney	Kilmer	Rubio
Barreiro	Fields	Kosmas	Russell
Bean	Fiorentino	Kottkamp	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	Sobel
Bilirakis	Gibson	Machek	Sorensen
Bowen	Goodlette	Mack	Spratt
Brown	Gottlieb	Mahon	Stansel
Brummer	Green	Mayfield	Trovillion
Brutus	Greenstein	Maygarden	Wallace
Bucher	Haridopolos	McGriff	Waters
Bullard	Harper	Meadows	Weissman
Byrd	Harrell	Mealor	Wiles
Cantens	Harrington	Melvin	Wilson
Carassas	Hart	Murman	Wishner
Clarke	Henriquez	Needelman	

Nays—1

Heyman

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

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; 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 incompleting 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.

—was read the third time by title.

Representative(s) Cantens offered the following:

(Amendment Bar Code: 824693)

Amendment 2 (with title amendment)—On page 6, between lines 29 and 30, of the bill

insert:

Section 7. Subsection (2) of section 97.052, Florida Statutes, is amended to read:

97.052 Uniform statewide voter registration application.—

(2) The uniform statewide voter registration application must be designed to elicit the following information from the applicant:

- (a) Full name.
- (b) Date of birth.
- (c) Address of legal residence.
- (d) Mailing address, if different.
- (e) County of legal residence.
- (f) Address of property for which the applicant has been granted a homestead exemption, if any.
- (g) Race or ethnicity that best describes the applicant:
 1. American Indian or Alaskan Native.
 2. Asian or Pacific Islander.
 3. Black, not Hispanic.
 4. White, not Hispanic.
 5. Hispanic.
- (h) ~~State or country of birth.~~
- (i)~~(h)~~ Sex.
- (j)~~(i)~~ Party affiliation.
- (k)~~(j)~~ Whether the applicant needs assistance in voting.
- (l)~~(k)~~ Name and address where last registered.
- (m)~~(l)~~ Last four digits of the applicant's social security number.
- (n)~~(m)~~ Florida driver's license number or the identification number from a Florida identification card issued under s. 322.051.
- (o)~~(n)~~ Telephone number (optional).
- (p)~~(o)~~ Signature of applicant under penalty for false swearing pursuant to s. 104.011, by which the person subscribes to the oath required by s. 3, Art. VI of the State Constitution and s. 97.051, and swears or affirms that the information contained in the registration application is true.
- (q)~~(p)~~ Whether the application is being used for initial registration, to update a voter registration record, or to request a replacement registration identification card.
- (r)~~(q)~~ Whether the applicant is a citizen of the United States.
- (s)~~(r)~~ That the applicant has not been convicted of a felony or, if convicted, has had his or her civil rights restored.
- (t)~~(s)~~ That the applicant has not been adjudicated mentally incapacitated with respect to voting or, if so adjudicated, has had his or her right to vote restored.

The registration form must be in plain language and designed so that convicted felons whose civil rights have been restored and persons who have been adjudicated mentally incapacitated and have had their voting

rights restored are not required to reveal their prior conviction or adjudication.

Section 8. Section 98.077, Florida Statutes, is created to read:

98.077 *Update of voter signature.*—*The supervisor of elections shall provide to each registered voter of the county the opportunity to update his or her signature on file at the supervisor's office by providing notification of the ability to do so in any correspondence, other than postcard notifications, sent to the voter. The notice shall advise when, where, and how to update the signature and shall provide the voter information on how to obtain a form from the supervisor that can be returned to update the signature. In addition, at least once during each general election year, the supervisor shall publish in a newspaper of general circulation or other newspaper in the county deemed appropriate by the supervisor a notice specifying when, where, or how a voter can update his or her signature that is on file or or how a voter can obtain a form from the supervisor to do so.*

And the title is amended as follows:

On page 2, line 2, after the semicolon

insert: amending s. 97.052, F.S.; modifying information requested on the voter registration application; creating s. 98.077, F.S.; providing for update of voter signatures; providing for publication of notice of procedures for doing so at least once each general election year;

Rep. Goodlette moved the adoption of the amendment, which was adopted by the required two-thirds vote.

The question recurred on the passage of HB 493. The vote was:

Session Vote Sequence: 1122

Yeas—117

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

Nays—None

Votes after roll call:

Yeas—Mealor

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

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 third time by title. On passage, the vote was:

Session Vote Sequence: 1123

Yeas—118

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

Nays—None

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

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 third time by title. On passage, the vote was:

Session Vote Sequence: 1124

Yeas—117

The Chair	Arza	Barreiro	Benson
Alexander	Attkisson	Bean	Berfield
Allen	Atwater	Bendross-Mindingall	Betancourt
Andrews	Ausley	Bennett	Bilirakis
Argenziano	Baker	Bense	Bowen

Brown	Gardiner	Kottkamp	Ritter
Brummer	Gelber	Kravitz	Romeo
Brutus	Gibson	Kyle	Ross
Bucher	Goodlette	Lacasa	Rubio
Bullard	Gottlieb	Lee	Russell
Byrd	Green	Lerner	Ryan
Cantens	Greenstein	Littlefield	Seiler
Carassas	Haridopolos	Lynn	Simmons
Clarke	Harper	Machek	Siplin
Crow	Harrell	Mack	Slosberg
Cusack	Harrington	Mahon	Smith
Davis	Hart	Mayfield	Sobel
Detert	Henriquez	Maygarden	Sorensen
Diaz-Balart	Heyman	McGriff	Spratt
Dockery	Hogan	Meadows	Stansel
Evers	Holloway	Mealor	Trovillion
Farkas	Jennings	Murman	Wallace
Fasano	Johnson	Needelman	Waters
Feeney	Jordan	Negron	Weissman
Fields	Joyner	Paul	Wiles
Fiorentino	Justice	Peterman	Wilson
Flanagan	Kallinger	Pickens	Wishner
Frankel	Kendrick	Prieguez	
Gannon	Kilmer	Rich	
Garcia	Kosmas	Richardson	

Nays—None

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

HB 1669 was taken up. On motion by Rep. Crow, the rules were waived and—

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.

—was substituted for HB 1669 and read the second time by title. Under Rule 5.15, the House bill was laid on the table.

On motion by Rep. Crow, the rules were waived and CS for SB 1066 was read the third time by title. On passage, the vote was:

Session Vote Sequence: 1125

Yeas—117

The Chair	Bowen	Feeney	Henriquez
Alexander	Brown	Fields	Heyman
Allen	Brummer	Fiorentino	Hogan
Andrews	Brutus	Flanagan	Holloway
Argenziano	Bucher	Frankel	Jennings
Arza	Bullard	Gannon	Johnson
Attkisson	Byrd	Garcia	Jordan
Atwater	Cantens	Gardiner	Joyner
Ausley	Carassas	Gelber	Justice
Baker	Clarke	Gibson	Kallinger
Barreiro	Crow	Goodlette	Kendrick
Bean	Cusack	Gottlieb	Kilmer
Bendross-Mindingall	Davis	Green	Kosmas
Bennett	Detert	Greenstein	Kottkamp
Bense	Diaz-Balart	Haridopolos	Kravitz
Benson	Dockery	Harper	Kyle
Berfield	Evers	Harrell	Lacasa
Betancourt	Farkas	Harrington	Lee
Bilirakis	Fasano	Hart	Lerner

Littlefield	Murman	Ross	Spratt
Lynn	Needelman	Rubio	Stansel
Machek	Negron	Russell	Trovillion
Mack	Paul	Ryan	Wallace
Mahon	Peterman	Seiler	Waters
Mayfield	Pickens	Simmons	Wiles
Maygarden	Prieguez	Siplin	Wilson
McGriff	Rich	Slosberg	Wishner
Meadows	Richardson	Smith	
Mealor	Ritter	Sobel	
Melvin	Romeo	Sorensen	

Nays—1

Weissman

Votes after roll call:

Nays to Yeas—Weissman

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

CS/HB 409 was taken up. On motion by Rep. Bilirakis, the rules were waived and—

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.

—was substituted for CS/HB 409 and read the second time by title. Under Rule 5.15, the House bill was laid on the table.

On motion by Rep. Bilirakis, the rules were waived and CS for SB 408 was read the third time by title. On passage, the vote was:

Session Vote Sequence: 1126

Yeas—118

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

Wallace	Weissman	Wilson	Wishner
Waters	Wiles		

Nays—None

Votes after roll call:

Yeas—Romeo

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

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 third time by title.

Pending roll call, further consideration of **CS/HB 731** was temporarily postponed under Rule 11.10.

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 third time by title.

Motion

Rep. Baker moved that legislative intent language relating to **SB 346** be spread upon the *Journal*. Under Rule 8.2(b), the motion was referred to the Committee on Rules, Ethics & Elections.

Reconsideration

On motion by Rep. Betancourt, by the required two-thirds vote, the House reconsidered the vote by which **Amendment 1** was adopted on March 14 (shown in the *Journal* on pages 1248-1249). The question recurred on the adoption of the amendment.

Representative(s) Stansel offered the following:

(Amendment Bar Code: 354043)

Amendment 1 to Amendment 1 (with title amendment)—On page 6, between lines 10 and 11, of the amendment

insert:

Section 5. Subsection (2) of section 489.118, Florida Statutes, is amended to read:

489.118 Certification of registered contractors; grandfathering provisions.—The board shall, upon receipt of a completed application and appropriate fee, issue a certificate in the appropriate category to any contractor registered under this part who makes application to the board and can show that he or she meets each of the following requirements:

(2) Has, for that category, passed a written examination, or if disabled an oral examination, that the board finds to be substantially similar to the examination required to be licensed as a certified contractor under this part. For purposes of this subsection, a written, proctored examination such as that produced by the National Assessment Institute, Block and Associates, NAI/Block, Experior Assessments, Professional Testing, Inc., or Assessment Systems, Inc., shall be considered to be substantially similar to the examination required to be licensed as a certified contractor. The board may not

impose or make any requirements regarding the nature or content of these cited examinations.

And the title is amended as follows:

On page 7, line 1, after the semicolon

insert: amending s. 489.118, F.S.; providing for grandfathering of certain contractors who have passed certain oral examinations;

Rep. Stansel moved the adoption of the amendment to the amendment.

Further consideration of **SB 346**, with pending amendments, was temporarily postponed under Rule 11.10.

CS/CS/HB 319—A bill to be entitled An act relating to self-insurers; amending s. 440.24, F.S.; providing for the sale of securities on deposit to satisfy a compensation order; amending s. 440.38, F.S.; transferring operation of provisions requiring the securing of payment of compensation by employers from the Division of Workers' Compensation of the Department of Labor and Employment Security to the Florida Self-Insurers Guaranty Association, Incorporated, and the Department of Insurance; revising and clarifying requirements and procedures; providing powers and duties of the association and the department; providing for allocation or payment of state funds to the association for certain purposes; providing rulemaking authority; amending s. 440.385, F.S.; revising and clarifying provisions relating to the association's creation, board of directors, powers and duties, insolvency fund, and plan of operation; providing additional powers of the association; transferring the powers and duties of the Department of Labor and Employment Security relating to the association to the Department of Insurance and revising such powers and duties; providing additional powers and duties of the Department of Insurance; providing for oversight of the association by the department; deleting certain provisions relating to detection and prevention of employer insolvencies; amending s. 440.386, F.S.; providing parity for the association with the Department of Insurance relating to proceedings for delinquency, liquidation, and conservation of assets; amending s. 440.51, F.S.; eliminating provisions authorizing the Department of Insurance to require that self-insurers make certain reports; eliminating provisions authorizing certain audits; transferring the powers, duties, functions, rules, records, and property relating to the regulation of individual, self-insured employers by the Department of Labor and Employment Security to the Department of Insurance; providing an appropriation; eliminating specified positions; providing an effective date.

—was read the third time by title.

Representative(s) Clarke offered the following:

(Amendment Bar Code: 453553)

Amendment 1—On page 5, lines 27 & 28
remove: all of said lines

and insert: the latest opinion, the *association shall provide that information to the Department of Insurance along with a*

Rep. Clarke moved the adoption of the amendment, which was adopted by the required two-thirds vote.

Representative(s) Clarke offered the following:

(Amendment Bar Code: 891995)

Amendment 2—On page 12, lines 2-3,
remove: all of said lines

and insert: those powers granted or permitted corporations not for profit, as provide in chapter 617. *The activities of*

Rep. Clarke moved the adoption of the amendment, which was adopted by the required two-thirds vote.

Representative(s) Clarke offered the following:

(Amendment Bar Code: 564051)

Amendment 3—On page 14, line 24
remove: “*executive director of the*”

Rep. Clarke moved the adoption of the amendment, which was adopted by the required two-thirds vote.

Representative(s) Clarke offered the following:

(Amendment Bar Code: 410251)

Amendment 4—On page 29, line 27,
remove: *Insurance Revenue*

and insert: *Revenue*

Rep. Clarke moved the adoption of the amendment, which was adopted by the required two-thirds vote.

The question recurred on the passage of CS/CS/HB 319. The vote was:

Session Vote Sequence: 1127

Yeas—119

The Chair	Cusack	Hogan	Negron
Alexander	Davis	Holloway	Paul
Allen	Detert	Jennings	Peterman
Andrews	Diaz de la Portilla	Johnson	Pickens
Argenziano	Diaz-Balart	Jordan	Prieguez
Arza	Dockery	Joyner	Rich
Attkisson	Evers	Justice	Richardson
Atwater	Farkas	Kallinger	Ritter
Ausley	Fasano	Kendrick	Romeo
Baker	Feeney	Kilmer	Ross
Barreiro	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	Sobel
Bowen	Goodlette	Machek	Sorensen
Brown	Gottlieb	Mack	Spratt
Brummer	Green	Mahon	Stansel
Brutus	Greenstein	Mayfield	Trovillion
Bucher	Haridopolos	Maygarden	Wallace
Bullard	Harper	McGriff	Waters
Byrd	Harrell	Meadows	Weissman
Cantens	Harrington	Mealor	Wiles
Carassas	Hart	Melvin	Wilson
Clarke	Henriquez	Murman	Wishner
Crow	Heyman	Needelman	

Nays—None

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

CS/CS/HB 1319 was taken up. On motion by Rep. Alexander, the rules were waived and—

CS for SB 1994—A bill to be entitled An act relating to insurance; amending s. 626.221, F.S.; exempting applicants for limited licenses for communication equipment property or communication equipment inland marine insurance from certain examination requirements; amending s. 626.321, F.S.; providing for the issuance of such limited licenses; amending s. 626.732, F.S.; exempting such limited licensees from certain education requirements; providing an effective date.

—was substituted for CS/CS/HB 1319 and read the second time by title. Under Rule 5.15, the House bill was laid on the table.

On motion by Rep. Alexander, the rules were waived and CS for SB 1994 was read the third time by title. On passage, the vote was:

Session Vote Sequence: 1128

Yeas—119

The Chair	Cusack	Hogan	Negron
Alexander	Davis	Holloway	Paul
Allen	Detert	Jennings	Peterman
Andrews	Diaz de la Portilla	Johnson	Pickens
Argenziano	Diaz-Balart	Jordan	Prieguez
Arza	Dockery	Joyner	Rich
Attkisson	Evers	Justice	Richardson
Atwater	Farkas	Kallinger	Ritter
Ausley	Fasano	Kendrick	Romeo
Baker	Feeney	Kilmer	Ross
Barreiro	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	Sobel
Bowen	Goodlette	Machek	Sorensen
Brown	Gottlieb	Mack	Spratt
Brummer	Green	Mahon	Stansel
Brutus	Greenstein	Mayfield	Trovillion
Bucher	Haridopolos	Maygarden	Wallace
Bullard	Harper	McGriff	Waters
Byrd	Harrell	Meadows	Weissman
Cantens	Harrington	Mealor	Wiles
Carassas	Hart	Melvin	Wilson
Clarke	Henriquez	Murman	Wishner
Crow	Heyman	Needelman	

Nays—None

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

CS/HB 1355—A bill to be entitled An act relating to public records; amending s. 624.319, F.S.; creating a public records exemption for workpapers prepared by the Department of Insurance, and workpapers and any other information received by the department from another governmental entity or the National Association of Insurance Commissioners, for the department's use in the performance of specified examination or investigation duties; providing exceptions to the exemption; providing for retroactive application of the exemption; providing for review and repeal of the exemption; providing a finding of public necessity; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 1129

Yeas—96

The Chair	Berfield	Davis	Gottlieb
Alexander	Betancourt	Detert	Green
Allen	Bilirakis	Diaz de la Portilla	Haridopolos
Argenziano	Bowen	Diaz-Balart	Harper
Attkisson	Brown	Evers	Harrell
Atwater	Brummer	Farkas	Harrington
Ausley	Bucher	Fasano	Hart
Baker	Bullard	Feeney	Heyman
Barreiro	Byrd	Fields	Hogan
Bean	Cantens	Fiorentino	Holloway
Bendross-Mindingall	Carassas	Flanagan	Jennings
Bennett	Clarke	Garcia	Johnson
Bense	Crow	Gardiner	Jordan
Benson	Cusack	Gibson	Joyner

Kallinger	Lynn	Needelman	Russell
Kendrick	Machek	Negron	Simmons
Kilmer	Mack	Paul	Smith
Kosmas	Mahon	Peterman	Sobel
Kottkamp	Mayfield	Pickens	Sorensen
Kravitz	Maygarden	Prieguez	Spratt
Kyle	McGriff	Richardson	Stansel
Lacasa	Mealor	Romeo	Trovillion
Lee	Melvin	Ross	Wallace
Littlefield	Murman	Rubio	Waters

Nays—22

Andrews	Gelber	Meadows	Slosberg
Arza	Goodlette	Rich	Weissman
Brutus	Greenstein	Ritter	Wilson
Dockery	Henriquez	Ryan	Wishner
Frankel	Justice	Seiler	
Gannon	Lerner	Siplin	

Votes after roll call:

Nays—Wiles

Yeas to Nays—Bendross-Mindingall, Cusack, Sobel

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

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 third time by title. On passage, the vote was:

Session Vote Sequence: 1130

Yeas—119

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

Trovillion Waters Wiles Wishner
Wallace Weissman Wilson

Nays—None

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

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 third time by title. On passage, the vote was:

Session Vote Sequence: 1131

Yeas—119

The Chair	Cusack	Hogan	Negron
Alexander	Davis	Holloway	Paul
Allen	Detert	Jennings	Peterman
Andrews	Diaz de la Portilla	Johnson	Pickens
Argenziano	Diaz-Balart	Jordan	Prieguez
Arza	Dockery	Joyner	Rich
Attkisson	Evers	Justice	Richardson
Atwater	Farkas	Kallinger	Ritter
Ausley	Fasano	Kendrick	Romeo
Baker	Feeney	Kilmer	Ross
Barreiro	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	Sobel
Bowen	Goodlette	Machek	Sorensen
Brown	Gottlieb	Mack	Spratt
Brunner	Green	Mahon	Stansel
Brutus	Greenstein	Mayfield	Trovillion
Bucher	Haridopolos	Maygarden	Wallace
Bullard	Harper	McGriff	Waters
Byrd	Harrell	Meadows	Weissman
Cantens	Harrington	Mealor	Wiles
Carassas	Hart	Melvin	Wilson
Clarke	Henriquez	Murman	Wishner
Crow	Heyman	Needelman	

Nays—None

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

Consideration of **CS/HB 1373** was temporarily postponed under Rule 11.10.

Messages from the Senate

CS/HB 1209 was taken up. On motion by Rep. Gardiner, the rules were waived and—

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for CS for SB 1974 and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committees on Judiciary, Criminal Justice and Senator Crist

CS for CS for SB 1974—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 for the display of a poster containing information concerning the rights of crime victims; requiring the Department of Legal Affairs to provide such posters to the courts;

providing that such advisement is only for the benefit of crime victims; providing that failure to provide such advisement shall not affect the validity of any hearing, conviction, or sentence; providing that the circuit court administrator shall work in coordination with the clerk of the court; amending s. 960.001, F.S.; requiring the clerk of the court to make available certain information regarding enforcing liens and judgments; providing an effective date.—

—was taken up, read the first time by title, and substituted for CS/HB 1209. Under Rule 5.15, the House bill was laid on the table. On motion by Rep. Gardiner, the rules were waived and CS for CS for SB 1974 was read the second time by title and the third time by title. On passage, the vote was:

Session Vote Sequence: 1132

Yeas—119

The Chair	Cusack	Hogan	Negron
Alexander	Davis	Holloway	Paul
Allen	Detert	Jennings	Peterman
Andrews	Diaz de la Portilla	Johnson	Pickens
Argenziano	Diaz-Balart	Jordan	Prieguez
Arza	Dockery	Joyner	Rich
Attkisson	Evers	Justice	Richardson
Atwater	Farkas	Kallinger	Ritter
Ausley	Fasano	Kendrick	Romeo
Baker	Feeney	Kilmer	Ross
Barreiro	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	Sobel
Bowen	Goodlette	Machek	Sorensen
Brown	Gottlieb	Mack	Spratt
Brunner	Green	Mahon	Stansel
Brutus	Greenstein	Mayfield	Trovillion
Bucher	Haridopolos	Maygarden	Wallace
Bullard	Harper	McGriff	Waters
Byrd	Harrell	Meadows	Weissman
Cantens	Harrington	Mealor	Wiles
Carassas	Hart	Melvin	Wilson
Clarke	Henriquez	Murman	Wishner
Crow	Heyman	Needelman	

Nays—None

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

Continuation of Bills and Joint Resolutions on Third Reading

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 third time by title. On passage, the vote was:

Session Vote Sequence: 1133

Yeas—118

The Chair	Atwater	Bense	Brunner
Alexander	Ausley	Benson	Brutus
Allen	Baker	Berfield	Bucher
Andrews	Barreiro	Betancourt	Bullard
Argenziano	Bean	Bilirakis	Byrd
Arza	Bendross-Mindingall	Bowen	Cantens
Attkisson	Bennett	Brown	Carassas

Clarke	Green	Lee	Romeo	Prieguez	Russell	Sorensen	Waters
Crow	Greenstein	Lerner	Ross	Rich	Seiler	Spratt	Wiles
Cusack	Haridopolos	Littlefield	Rubio	Richardson	Simmons	Stansel	Wilson
Davis	Harrell	Lynn	Russell	Ross	Siplin	Trovillion	
Detert	Harrington	Machek	Ryan	Rubio	Smith	Wallace	
Diaz de la Portilla	Hart	Mack	Seiler				
Diaz-Balart	Henriquez	Mahon	Simmons	Nays—17			
Dockery	Heyman	Mayfield	Siplin	Arza	Gottlieb	Ritter	Weissman
Evers	Hogan	Maygarden	Slosberg	Cusack	Joyner	Romeo	Wishner
Farkas	Holloway	McGriff	Smith	Dockery	Kottkamp	Ryan	
Fasano	Jennings	Meadows	Sobel	Flanagan	Lerner	Slosberg	
Feeney	Johnson	Mealor	Sorensen	Goodlette	Mahon	Sobel	
Fields	Jordan	Melvin	Spratt				
Fiorentino	Joyner	Murman	Stansel	Votes after roll call:			
Flanagan	Justice	Needelman	Trovillion	Yeas to Nays—Rich			
Frankel	Kallinger	Negron	Wallace	Nays to Yeas—Cusack, Joyner			
Gannon	Kendrick	Paul	Waters				
Garcia	Kilmer	Peterman	Weissman	So the bill passed, as amended, and was immediately certified to the Senate.			
Gardiner	Kosmas	Pickens	Wiles				
Gelber	Kottkamp	Prieguez	Wilson	CS/CS/HB 1567 was taken up. On motion by Rep. Ausley, the rules were waived and—			
Gibson	Kravitz	Rich	Wishner				
Goodlette	Kyle	Richardson					
Gottlieb	Lacasa	Ritter					

Nays—1

Harper

Votes after roll call:

Nays to Yeas—Harper

So the bill passed, as amended, and was immediately certified to the Senate.

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 and personal financial and health information 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 third time by title.

THE SPEAKER IN THE CHAIR

The question recurred on the passage of CS/HB 1767. The vote was:

Session Vote Sequence: 1134

Yeas—102

The Chair	Brummer	Gardiner	Kosmas
Alexander	Brutus	Gelber	Kravitz
Allen	Bucher	Gibson	Kyle
Andrews	Bullard	Green	Lacasa
Argenziano	Byrd	Greenstein	Lee
Attkisson	Cantens	Haridopolos	Littlefield
Atwater	Carassas	Harper	Lynn
Ausley	Clarke	Harrell	Machek
Baker	Crow	Harrington	Mack
Ball	Davis	Hart	Mayfield
Barreiro	Detert	Henriquez	Maygarden
Bean	Diaz de la Portilla	Heyman	McGriff
Bendross-Mindingall	Diaz-Balart	Hogan	Meadows
Bennett	Evers	Holloway	Mealor
Bense	Farkas	Jennings	Melvin
Benson	Fasano	Johnson	Murman
Berfield	Fields	Jordan	Needelman
Betancourt	Fiorentino	Justice	Negron
Bilirakis	Frankel	Kallinger	Paul
Bowen	Gannon	Kendrick	Peterman
Brown	Garcia	Kilmer	Pickens

Nays—17

Arza	Gottlieb	Ritter	Weissman
Cusack	Joyner	Romeo	Wishner
Dockery	Kottkamp	Ryan	
Flanagan	Lerner	Slosberg	
Goodlette	Mahon	Sobel	

Votes after roll call:

Yeas to Nays—Rich

Nays to Yeas—Cusack, Joyner

So the bill passed, as amended, and was immediately certified to the Senate.

CS/CS/HB 1567 was taken up. On motion by Rep. Ausley, the rules were waived and—

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 1550, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committees on Appropriations, Children and Families and Senator Silver—

CS for CS for SB 1550—A bill to be entitled An act relating to child care; amending s. 402.3131, F.S.; increasing the introductory course requirement for operators of large family child care homes; requiring a competency examination upon successful completion of required training; providing for community college credit; amending s. 402.305, F.S.; revising minimum training requirements for child care personnel; requiring a competency examination upon successful completion of the required training; providing for community college credit; providing an automatic exemption from certain training requirements for personnel having specified degrees, credentials, courses, or waivers in specified areas; providing for an extension until 2004 to implement the child care facility director credential requirement; amending s. 402.313, F.S.; requiring a competency examination for operators of family day care homes upon successful completion of the required training; requiring the Department of Children and Family Services to establish standards by rule for training for family day care homes that have voluntarily chosen to be licensed or must be licensed due to county ordinance or resolution; authorizing the department to modify certain child care training requirements to provide for articulation into community college credit; amending s. 110.151, F.S.; authorizing the creation of public-private child care sites; providing an effective date.

—was taken up, read the first time by title, and substituted for CS/CS/HB 1567. Under Rule 5.15, the House bill was laid on the table. On motion by Rep. Ausley, the rules were waived and CS for CS for SB 1550 was read the second time by title and the third time by title. On passage, the vote was:

Session Vote Sequence: 1135

Yeas—117

The Chair	Atwater	Bennett	Brown
Alexander	Ausley	Bense	Brummer
Allen	Baker	Benson	Brutus
Andrews	Ball	Berfield	Bucher
Argenziano	Barreiro	Betancourt	Bullard
Arza	Bean	Bilirakis	Byrd
Attkisson	Bendross-Mindingall	Bowen	Cantens

Carassas	Green	Lee	Ross
Clarke	Greenstein	Lerner	Rubio
Crow	Haridopolos	Littlefield	Russell
Cusack	Harper	Lynn	Ryan
Davis	Harrell	Machek	Seiler
Detert	Hart	Mack	Simmons
Diaz de la Portilla	Henriquez	Mahon	Siplin
Diaz-Balart	Heyman	Mayfield	Slosberg
Dockery	Hogan	Maygarden	Smith
Evers	Holloway	McGriff	Sobel
Farkas	Jennings	Meadows	Sorensen
Fasano	Johnson	Mealor	Spratt
Fields	Jordan	Melvin	Stansel
Fiorentino	Joyner	Murman	Trovillion
Flanagan	Justice	Needelman	Wallace
Frankel	Kallinger	Negron	Waters
Gannon	Kendrick	Peterman	Weissman
Garcia	Kilmer	Pickens	Wiles
Gardiner	Kosmas	Prieguez	Wilson
Gelber	Kottkamp	Rich	Wishner
Gibson	Kravitz	Richardson	
Goodlette	Kyle	Ritter	
Gottlieb	Lacasa	Romeo	

Nays—None

Votes after roll call:

Yeas—Harrington, Paul

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

Continuation of Bills and Joint Resolutions on Third Reading

HB 1765—A bill to be entitled An act relating to the collection of court-ordered payments in criminal cases; amending s. 938.30, F.S.; authorizing the referral by the clerk of the court of court-imposed financial obligations payable to the county arising out of criminal cases which are past due to a collection agent or to a private attorney; authorizing the referral by the prosecutor of such financial obligations payable to the state; providing a limitation on the cost of collection; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 1136

Yeas—116

The Chair	Brutus	Gelber	Kottkamp
Alexander	Bucher	Gibson	Kravitz
Allen	Bullard	Goodlette	Kyle
Andrews	Byrd	Gottlieb	Lacasa
Argenziano	Cantens	Green	Lee
Arza	Carassas	Greenstein	Lerner
Attkisson	Clarke	Haridopolos	Littlefield
Atwater	Crow	Harper	Lynn
Ausley	Cusack	Harrell	Machek
Baker	Davis	Harrington	Mack
Ball	Detert	Hart	Mahon
Barreiro	Diaz de la Portilla	Henriquez	Mayfield
Bean	Diaz-Balart	Heyman	Maygarden
Bendross-Mindingall	Dockery	Holloway	McGriff
Bennett	Evers	Jennings	Meadows
Bense	Fasano	Johnson	Mealor
Benson	Fields	Jordan	Melvin
Berfield	Fiorentino	Joyner	Murman
Betancourt	Flanagan	Justice	Needelman
Bilirakis	Frankel	Kallinger	Paul
Bowen	Gannon	Kendrick	Peterman
Brown	Garcia	Kilmer	Pickens
Brummer	Gardiner	Kosmas	Prieguez

Rich	Russell	Smith	Wallace
Richardson	Ryan	Sobel	Waters
Ritter	Seiler	Sorensen	Weissman
Romeo	Simmons	Spratt	Wiles
Ross	Siplin	Stansel	Wilson
Rubio	Slosberg	Trovillion	Wishner

Nays—1

Farkas

Votes after roll call:

Yeas—Hogan

Nays to Yeas—Farkas

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

CS for SB 460—A bill to be entitled An act relating to special assessments; creating ss. 125.0168 and 166.223, F.S.; providing the method for the levy of assessments by counties and municipalities on recreational vehicle parks; providing an effective date.

—was read the third time by title.

REPRESENTATIVE BALL IN THE CHAIR

The question recurred on the passage of CS for SB 460. The vote was:

Session Vote Sequence: 1137

Yeas—119

The Chair	Cusack	Hogan	Negron
Alexander	Davis	Holloway	Paul
Allen	Detert	Jennings	Peterman
Andrews	Diaz de la Portilla	Johnson	Pickens
Argenziano	Diaz-Balart	Jordan	Prieguez
Arza	Dockery	Joyner	Rich
Attkisson	Evers	Justice	Richardson
Atwater	Farkas	Kallinger	Ritter
Ausley	Fasano	Kendrick	Romeo
Baker	Feeney	Kilmer	Ross
Barreiro	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	Sobel
Bowen	Goodlette	Machek	Sorensen
Brown	Gottlieb	Mack	Spratt
Brummer	Green	Mahon	Stansel
Brutus	Greenstein	Mayfield	Trovillion
Bucher	Haridopolos	Maygarden	Wallace
Bullard	Harper	McGriff	Waters
Byrd	Harrell	Meadows	Weissman
Cantens	Harrington	Machek	Wiles
Carassas	Hart	Melvin	Wilson
Clarke	Henriquez	Murman	Wishner
Crow	Heyman	Needelman	

Nays—None

So the bill passed, as amended, and was immediately certified to the Senate.

CS/HB 1381 was taken up. On motion by Rep. Mealor, the rules were waived and—

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.

—was substituted for CS/HB 1381 and read the second time by title. Under Rule 5.15, the House bill was laid on the table.

On motion by Rep. Mealor, the rules were waived and CS for SB 2252 was read the third time by title. On passage, the vote was:

Session Vote Sequence: 1138

Yeas—117

The Chair	Davis	Jennings	Peterman
Alexander	Detert	Johnson	Pickens
Allen	Diaz de la Portilla	Jordan	Prieguez
Andrews	Diaz-Balart	Joyner	Rich
Argenziano	Dockery	Justice	Richardson
Arza	Evers	Kallinger	Ritter
Atwater	Farkas	Kendrick	Romeo
Ausley	Fasano	Kilmer	Ross
Baker	Feeney	Kosmas	Rubio
Barreiro	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	Sobel
Bilirakis	Gibson	Machek	Sorensen
Bowen	Goodlette	Mack	Spratt
Brown	Gottlieb	Mahon	Stansel
Brummer	Green	Mayfield	Trovillion
Brutus	Greenstein	Maygarden	Wallace
Bucher	Haridopolos	McGriff	Waters
Bullard	Harper	Meadows	Weissman
Byrd	Harrell	Mealor	Wiles
Cantens	Hart	Melvin	Wilson
Carassas	Henriquez	Murman	Wishner
Clarke	Heyman	Needelman	
Crow	Hogan	Negron	
Cusack	Holloway	Paul	

Nays—None

Votes after roll call:

Yeas—Attkisson, Harrington

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

CS/HB 261—A bill to be entitled An act relating to the Department of Transportation; amending s. 20.23, F.S.; revising language with respect to the organization of the department; changing the turnpike district into a turnpike enterprise; exempting the turnpike enterprise from department policies, procedures, and standards, subject to the Secretary of Transportation's decision to apply such requirements; providing exceptions to said exemptions; giving the secretary authority to promulgate rules under certain conditions that will assist the turnpike enterprise in using best business practices; amending s. 206.46, F.S.; increasing the debt service cap with respect to the State Transportation Trust Fund; amending s. 316.302, F.S.; revising a date concerning commercial motor vehicles to conform to federal regulations; authorizing the department's Motor Carrier Compliance officers, and duly appointed agents holding a safety inspector certification from the Commercial Vehicle Safety Alliance, to stop commercial motor vehicles for inspection of the vehicle and driver's records; providing that other law enforcement officers may enforce commercial motor vehicle regulations under certain conditions; requiring that unsafe vehicles and drivers be removed from service under certain conditions; amending s. 316.3025, F.S.; updating a cross reference to federal trucking

regulations; amending s. 316.515, F.S.; deleting a requirement for a department permit with respect to the height of automobile transporters; amending s. 316.535, F.S.; adding weight requirements for certain commercial trucks; amending s. 316.545, F.S.; correcting a cross reference; providing for the discretion of the department to detain commercial vehicles until certain penalties are paid; amending s. 334.044, F.S.; providing for officers employed by the department's Office of Motor Carrier Compliance and specifying duties and responsibilities of said officers; authorizing appointment of part-time and auxiliary officers; amending s. 337.025, F.S.; eliminating cap on innovative highway projects for the turnpike enterprise; amending s. 337.11, F.S.; raising the cap on certain contracts into which the department can enter without first obtaining bids; providing an exemption for a turnpike enterprise project; revising provisions for design-build contracts; amending s. 337.185, F.S.; clarifying application of limitation on certain claims brought before the State Arbitration Board; amending s. 338.22, F.S.; redesignating the Florida Turnpike Law as the Florida Turnpike Enterprise Law; amending s. 338.221, F.S.; redefining the term "economically feasible" as used with respect to turnpike projects; creating s. 338.2215, F.S.; providing legislative findings, policy, purpose, and intent for the Florida Turnpike Enterprise; creating s. 338.2216, F.S.; prescribing the power and authority of the turnpike enterprise; amending s. 338.223, F.S.; increasing the maximum loan amount for the turnpike enterprise; amending ss. 338.165 and 338.227, F.S.; conforming provisions; amending s. 338.234, F.S.; authorizing the turnpike enterprise to expand business opportunities; prohibiting the department from exercising its powers of eminent domain solely to acquire property for business opportunities on the Florida Turnpike; deleting obsolete language; amending s. 338.235, F.S.; authorizing the consideration of goods instead of fees; amending s. 338.239, F.S.; providing that approved expenditure to the Florida Highway Patrol be paid by the turnpike enterprise; amending s. 338.241, F.S.; lowering the required cash reserve for the turnpike enterprise; amending s. 338.251, F.S.; conforming provisions; amending s. 339.135, F.S.; including reference to turnpike enterprise with respect to the tentative work program; revising language with respect to the tentative work program; amending s. 553.80, F.S.; providing for self-regulation of certain construction; providing effective dates.

—was read the third time by title.

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

Representative(s) Ross, Russell, and Johnson offered the following:

(Amendment Bar Code: 885555)

Amendment 5 (with title amendment)—On page 35, between lines 12 and 13, of the bill

insert:

Section 28. Section 339.141, Florida Statutes, is created to read:

339.141 Regional Transportation Act; short title; purpose; Regional Transportation Advisory Council; creation; membership; transportation grants; criteria; applications; approval; project lists; funding.—

(1) Sections 339.141-339.143 shall be known as the "Regional Transportation Act," dedicated to identifying and funding high-priority regional transportation projects that create intermodal transportation linkages for passengers and freight, thus increasing cost-competitive travel choices for Florida residents, visitors, and businesses.

(2) The underlying purposes of the Regional Transportation Act are to identify projects throughout the state that will provide more efficient movement of travelers, goods, and services; assist local governments in developing intermodal linkages; promote logical linkages between different modes of transportation; and attract federal, state, local, and private-sector funds to make these improvements.

(3) The Regional Transportation Advisory Council is created to make recommendations annually to the Legislature on the selection of projects as provided in this section. Recommendations shall be made for projects seeking Regional Transportation Act grants pursuant to s. 339.143.

(4) *The council shall consist of:*

(a) *The secretary of the Department of Transportation, or his or her designee.*

(b) *Two members of the Senate appointed by the President of the Senate.*

(c) *Two members of the House of Representatives appointed by the Speaker of the House of Representatives.*

Terms for council members from the Legislature shall be 2 years, provided that a legislative member's term shall not exceed the term of the presiding officer making that member's appointment to the council. Initial appointments must be made no later than 30 days after the effective date of this act. Vacancies on the council shall be filled in the same manner as the initial appointments.

(5) *Each member of the council shall be allowed one vote. The council shall select a chair from among its membership. Meetings shall be held at the call of the chair but not less frequently than quarterly. The members of the council shall be reimbursed for per diem and travel expenses as provided in s. 112.061.*

(6) *The Department of Transportation shall provide administrative staff support and shall ensure that council meetings are electronically recorded. Such recordings and all documents received, prepared for, or used by the council in conducting its business shall be preserved pursuant to chapters 119 and 257.*

(7) *Applications for Regional Transportation Act funding shall be submitted to the department no later than October 1 of each year, beginning in 2002, along with documentation that the proposed project meets the criteria listed in s. 339.143. Regional Transportation Act projects may be proposed by any local government, regional organization, economic development board, public or private partnership, metropolitan planning organization, state agency, or other entity engaged in economic development activities.*

(8) *The department shall review all of the applications submitted to determine which ones meet the basic criteria listed in s. 339.143(3). By December 1 of each year, beginning in 2002, the department shall submit to the council all of the Regional Transportation Act grant applications that comply. Included in the department's submittal shall be a summary of each eligible grant application, including summary information indicating how the project meets the criteria in s. 339.143(5).*

(9)(a) *The council shall evaluate all of the applications it receives from the department and shall annually develop a list of recommended projects for Regional Transportation Act grants. The council shall then submit its recommended project list to the Secretary of the Department of Transportation for review and inclusion of any additional compilation of supporting documentation. The Secretary shall then submit the approved list to the Legislature for its consideration in time for inclusion in the General Appropriations Act.*

(b) *In selecting projects for inclusion on its recommended projects list, the council shall consider the additional criteria in s. 339.143(5).*

(10) *The council is encouraged to seek input from transportation or economic development entities and to consider the reports and recommendations of task forces, study commissions, or similar entities charged with reviewing issues relevant to the council's mission.*

(11) *The council's recommended projects list shall not be ranked. The list shall total an amount that is no more than 1.5 times the amount of state funding available for the total regional transportation program that fiscal year.*

(12) *The Legislature shall consider the council's recommended projects list and shall include approved projects in the General Appropriations Act. Projects approved by the Legislature must be included in the department's adopted work program.*

(13) *For fiscal years 2003-2004 and 2004-2005, the department shall allocate a minimum of \$62 million from the State Transportation Trust Fund in its program and resource plan to fund the programs in ss.*

339.141-339.143. For fiscal year 2005-2006, the department shall allocate a minimum of \$96 million for the program in ss. 339.141-339.143. Beginning in fiscal year 2006-2007 and for each year thereafter, the minimum amount allocated shall be \$100 million for projects seeking Regional Transportation Grants. This allocation of funds is in addition to any funding provided to this program by any other provision of law. Notwithstanding any other laws to the contrary, the requirements of ss. 339.135(1)-(5), 339.155, and 339.175 shall not apply to these funds and programs.

Section 29. Section 339.142, Florida Statutes, is created to read:

339.142 *Regional transportation corridors.—*

(1) *A "regional transportation corridor" is defined as a regional system of transportation infrastructure that collectively provides for the efficient movement of significant numbers of persons and significant volumes of intrastate, interstate, and international commerce by seamlessly linking multiple modes of travel.*

(2) *Florida's initial regional transportation corridors are:*

(a) *The Interstate 10 Corridor, from Pensacola to Jacksonville.*

(b) *The Gulf Coast Corridor, from Pensacola to St. Petersburg and to Tampa along U.S. 98 and U.S. 19/State Road 27.*

(c) *The Interstate 95-Atlantic Coast Corridor, from Jacksonville to Miami.*

(d) *The Central Florida/North-South Corridor, from the Florida-Georgia border to Naples and Fort Lauderdale/Miami, along Interstate 75.*

(e) *The Central Florida/East-West Corridor, from St. Petersburg to Tampa and to Titusville, along Interstate 4 and the Beeline Expressway.*

(f) *The Jacksonville to Tampa Corridor, along U.S. 301.*

(g) *The Jacksonville to Orlando Corridor, along U.S. 17.*

(h) *The Southeastern Everglades Corridor, linking Wildwood, Winter Garden, Orlando, and West Palm Beach via the Florida Turnpike.*

For the purposes of this subsection, the term "corridor" includes the roadways linking seaports, commercial service and general aviation airports, rail yards, transportation terminals, and intermodal service centers to the major highways listed in this subsection to designate regional corridors.

(3) *The Regional Transportation Advisory Council is authorized to make additions to, deletions from, or modifications to the initially designated corridors listed in subsection (2). These changes shall be accomplished through adoption of a resolution by majority vote of the council indicating the changes to the corridors. The department may provide input to the council regarding proposed changes to the corridors, including the results of any consensus-building process undertaken by the department to better define regional transportation corridors. In addition, any of the entities eligible to submit an application for a Regional Transportation Act grant pursuant to s. 339.141(7)(a) may propose corridor changes to the council. The council shall provide any such adopted resolutions to the Governor, the President of the Senate, and the Speaker of the House of Representatives.*

Section 30. Section 339.143, Florida Statutes, is created to read:

339.143 *Regional Transportation Act grants.—*

(1) *The Legislature finds that Florida's future regional investments in transportation should be targeted toward a regional transportation system that integrates key components of the Florida Intrastate Highway System, seaports, spaceports, aviation facilities, and rail facilities within designated corridors. The Legislature further finds that Florida's future economic health depends on a system that can successfully move growing numbers of residents and tourists and transport goods and services within Florida, as well as to and from national and international markets. Therefore, the Legislature creates Regional Transportation Act*

grants to address these needs and to supplement existing related transportation programs.

(2) Projects eligible to receive Regional Transportation Act grants include, but are not limited to, the following:

(a) Seaport projects that improve cargo and passenger movements or connect the seaports to other modes of transportation.

(b) Aviation projects that increase passenger enplanements and cargo activity or connect airports to other modes of transportation.

(c) Transit projects that improve mobility on interstate highways, improve regional or localized travel, or connect to other modes of transportation.

(d) Rail projects that facilitate the movement of passengers and cargo, including ancillary pedestrian facilities, or connect rail facilities to other modes of transportation.

(e) Road or highway improvements that improve access to another mode of transportation.

(f) Roadway relocation projects or other projects that address vehicle user conflicts, access issues, or safety concerns with rail lines.

(3) The basic criteria for receipt of a Regional Transportation Act grant are as follows:

(a) The project must be able to be made production ready within a 5-year period following the end of the current fiscal year.

(b) The project must be consistent with a current transportation system plan, including, but not limited to, the Florida Intrastate Highway System, aviation, intermodal/rail, seaport, spaceport, or transit system plans.

(c) The project must not be inconsistent with an approved local comprehensive plan of any local government within whose boundaries the project is located in whole or in part, or, if inconsistent, must be accompanied by an explanation of why the project should be undertaken.

(d) The project must be of statewide or regional significance.

(e) The project must facilitate the movement of people, goods, and services within a regional transportation corridor designated pursuant to s. 339.142.

(f) The project must encourage, enhance, or create economic benefits in urban or rural areas.

(4) Eligible projects that meet the basic criteria in subsection (3) as determined by the department shall be forwarded by the department to the Regional Transportation Council for evaluation.

(5) The council shall use the following criteria for selecting projects for its recommended projects list:

(a) Whether other funds are available to help complete the project.

(b) The amount of local, federal, or private matching funds available for the project.

(c) The extent to which the project incorporates corridor management techniques, including access management strategies, right-of-way acquisition or protection measures, and appropriate zoning and setback controls.

(d) The extent to which the project supports a multimodal transportation district established pursuant to s. 163.3180(15).

(e) The extent to which the project uses new technologies, including intelligent transportation systems, to enhance the efficiency of the transportation system.

(6) Pursuant to s. 339.141, the Regional Transportation Advisory Council shall develop a list of recommended regional transportation projects and submit it to the Secretary of the Department of Transportation, who, after reviewing it and its supporting

documentation, shall forward it to the Legislature. The Legislature shall consider the council's recommended projects list and shall include approved projects in the General Appropriations Act.

Section 31. Subsections (2), (3) and (6) of section 339.2817, Florida Statutes, are amended to read:

339.2817 County Incentive Grant Program.—

(2) To be eligible for consideration, projects must be consistent with applicable local government comprehensive plans and, to the maximum extent feasible, with local metropolitan planning organization plans ~~and local government comprehensive plans.~~

(3) The department must consider, but is not limited to, the following criteria for evaluation of projects for County Incentive Grant Program assistance:

(a) The extent to which the project will encourage, enhance, or create economic benefits;

(b) The likelihood that assistance would enable the project to proceed at an earlier date than the project could otherwise proceed;

(c) The extent to which assistance would foster innovative public-private partnerships and attract private debt or equity investment;

(d) The extent to which the project uses new technologies, including intelligent transportation systems, which enhance the efficiency of the project;

(e) The extent to which the project helps to maintain or protect the environment; ~~and~~

(f) The extent to which the project includes transportation benefits for improving intermodalism and safety;

(g) The extent to which the county has enacted local-option fuel taxes and other dedicated local revenue sources or adopted the 1-percent infrastructure sales surtax or the small county surtax, with priority spending dedicated to transportation improvements; and

(h) The extent to which the project incorporates corridor management techniques, including access management strategies, right-of-way acquisition or protection measures, and appropriate zoning and setback controls.

(6) A municipality may apply to the county in which the municipality is located for consideration by the county for funding under this section of any project or project phase of a transportation facility which is located on the State Highway System or which is demonstrated to relieve congestion on the State Highway System. The county must evaluate all municipal applications as provided in subsection (3). If the proposed project is determined by the county to meet the criteria in subsection (3), the county shall send the application to the department on behalf of the municipality. If the proposed project is approved by the department, the county may retain project oversight authority and responsibility for the project on behalf of the municipality. If a municipality's proposed project is rejected by the county for funding under this section, or if the county's proposed project adversely affects a municipality within the county, the municipality may request mediation to resolve any concerns of the municipality and the county.

Section 32. Subsections (1) and (2) of section 339.08, Florida Statutes, are amended to read:

339.08 Use of moneys in State Transportation Trust Fund.—

(1) The department shall ~~expend by rule provide for the expenditure of the moneys in the State Transportation Trust Fund accruing to the department, in accordance with its annual budget.~~

(2) ~~These rules must restrict~~ The use of such moneys is restricted to the following purposes:

(1) To fund the Regional Transportation Grant projects selected pursuant to s. 339.143 ~~Transportation Outreach Program created in s. 339.137.~~

Section 33. Section 339.1371, Florida Statutes, is amended to read:

339.1371 Mobility 2000; ~~Transportation Outreach Program;~~ funding.—

(1) Beginning in fiscal year 2000-2001 the Department of Transportation shall allocate sufficient funds to implement the Mobility 2000 (Building Roads for the 21st Century) initiative. The department shall develop a plan to expend these revenues and amend the current tentative work program for the time period 2000-2001 through 2004-2005 prior to adoption to include Mobility 2000 projects. In addition, prior to work program adoption, the department shall submit a budget amendment pursuant to s. 339.135(7), requesting budget authority needed to implement the Mobility 2000 initiative. Funds will be used for corridors that link Florida's economic regions to seaports, international airports, and markets to provide connections through major gateways, improved mobility in major urbanized areas, and access routes for emergency evacuation to coastal communities based on analysis of current and projected traffic conditions.

(2) Notwithstanding any other provision of law, in fiscal year 2001-2002 and each year thereafter, the increase in revenue to the State Transportation Trust Fund derived from ss. 1, 2, 3, 7, 9, and 10, ch. 2000-257, Laws of Florida, shall be first used by the Department of Transportation to fund the Mobility 2000 initiative and any remaining funds shall be used to fund the ~~Transportation Outreach Program created pursuant to s. 339.137~~. Notwithstanding any other law to the contrary, the requirements of ss. 206.46(3) and 206.606(2) shall not apply to the Mobility 2000 initiative.

Section 34. Subsection (3) of section 215.211, Florida Statutes, is amended to read:

215.211 Service charge; elimination or reduction for specified proceeds.—

(3) Notwithstanding the provisions of s. 215.20(1), the service charge provided in s. 215.20(1), which is deducted from the proceeds of the local option fuel tax distributed under s. 336.025, shall be reduced as follows:

(a) For the period July 1, 2005, through June 30, 2006, the rate of the service charge shall be 3.5 percent.

(b) Beginning July 1, 2006, and thereafter, no service charge shall be deducted from the proceeds of the local option fuel tax distributed under s. 336.025.

~~An amount equal to the reduction in the service charge The increased revenues derived from this subsection shall be deposited in the State Transportation Trust Fund and used to fund the County Incentive Grant Program and the Small County Outreach Program. Up to 20 percent of such funds shall be used for the purpose of implementing the Small County Outreach Program as provided in this act. Notwithstanding any other laws to the contrary, the requirements of ss. 206.46(3), 206.606(2), 339.135(1)-(5), 339.155, and 339.175 shall not apply to these funds and programs.~~

Section 35. For fiscal years 2003-2004 and 2004-2005, the department shall allocate a maximum of \$30 million to projects seeking County Incentive Grant Program grants and Small County Outreach Program grants. Up to 20 percent of such funds shall be used for the purpose of implementing the Small County Outreach Program. For fiscal year 2005-2006, the department shall allocate a maximum of \$4 million to projects seeking County Incentive Program grants and Small County Outreach Program grants. Up to 20 percent of such funds shall be used for the purpose of implementing the Small County Outreach Program.

Section 36. Section 339.137, Florida Statutes, is repealed.

Section 37. Section 341.8201, Florida Statutes, is created to read:

341.8201 Short title.—Sections 341.8201-341.843 may be cited as the "Florida High-Speed Rail Authority Act."

Section 38. Section 341.8202, Florida Statutes, is created to read:

341.8202 Legislative findings, policy, purpose, and intent.—

(1) *The intent of this act is to implement the purpose of s. 19, Art. X of the State Constitution, which directs the Legislature, the Cabinet and the Governor to proceed with the development, either by the state or an approved private entity, of a high-speed monorail, fixed guideway, or magnetic levitation system, capable of speeds in excess of 120 miles per hour. The development of such a system, which will link Florida's five largest urban areas as defined in this act, includes acquisition of right-of-way and the financing of design and construction with construction beginning on or before November 1, 2003. Further, this act promotes the various growth management and environmental protection laws enacted by the Legislature and encourages and enhances the establishment of a high-speed rail system. The Legislature further finds that:*

(a) *The implementation of a high-speed rail system in the state will result in overall social and environmental benefits, improvements in ambient air quality, better protection of water quality, greater preservation of wildlife habitat, less use of open space, and enhanced conservation of natural resources and energy.*

(b) *A high-speed rail system, when developed in conjunction with sound land use planning, becomes an integral part in achieving growth management goals and encourages the use of public transportation to augment and implement land use and growth management goals and objectives.*

(c) *Development and utilization of a properly designed, constructed, and financed high-speed rail system and associated development can act as a catalyst for economic growth and development, mitigate unduly long and traffic-congested commutes for day-to-day commuters, create new employment opportunities, serve as a positive growth management system for building a better and more environmentally secure state, and serve a paramount public purpose by promoting the health, safety, and welfare of the citizens of the state.*

(d) *Transportation benefits of a high-speed rail system include improved travel times and more reliable travel, which will increase productivity and energy efficiency in the state.*

(2) *The Legislature further finds that:*

(a) *Access to timely and efficient modes of passenger transportation is necessary for travelers, visitors, and day-to-day commuters, to the quality of life in the state, and to the economy of the state.*

(b) *Technological advances in the state's transportation system can significantly and positively affect the ability of the state to attract and provide efficient services for domestic and international tourists and therefore increase revenue of the state.*

(c) *The geography of the state is suitable for the construction and efficient operation of a high-speed rail system.*

(d) *The public use of the high-speed rail system must be encouraged and assured in order to achieve the public purpose and objectives set forth in this act. In order to encourage the public use of the high-speed rail system and to protect the public investment in the system, it is necessary to provide an environment surrounding each high-speed rail station which will allow the development of associated development for the purpose of creating revenue in support of and for the high-speed rail system, enhance the safe movement of pedestrians and traffic into and out of the area, ensure the personal safety of high-speed rail system and related facility users and their personal property while the users are in the area of each station, and eliminate all conditions in the vicinity which constitute economic and social impediments and barriers to the use of the high-speed rail system and associated development.*

(e) *Areas surrounding certain proposed high-speed rail stations can, as a result of existing conditions, crime, and traffic congestion, pose a serious threat to the use of the high-speed rail system, reduce revenue from users, discourage pedestrian and traffic ingress and egress, retard sound growth and development, impair public investment, and consume an excessive amount of public revenues in the employment of police and other forms of public protection to adequately safeguard the high-speed rail system and its users. Such areas may require redevelopment, acquisition, clearance, or disposition, or joint public and private development to provide parking facilities, retail establishments,*

restaurants, hotels, or office facilities associated with or ancillary to the high-speed rail system and rail stations and to otherwise provide for an environment that will encourage the use of, and safeguard, the system.

(f) The powers conferred by this act are for public uses and purposes as established by s. 19, Art. X of the State Constitution for which public funds may be expended, and the necessity in the public interest for the provisions herein enacted is hereby declared as a matter of legislative determination to implement the intent of s. 19, Art. X of the State Constitution.

(g) Urban and social benefits include revitalization of economically depressed areas, the redirection of growth in a carefully and comprehensively planned manner, and the creation of numerous employment opportunities within inner-city areas.

(h) The provisions contained in this act are a declaration of legislative intent that the state develop a high-speed rail system to help solve transportation problems and eliminate their negative effect on the citizens of this state, and therefore serves a public purpose.

(i) Joint development is a necessary planning, financing, management, operation, and construction mechanism to ensure the continued future development of an efficient and economically viable high-speed rail system in this state.

(3) It is the intent of the Legislature to authorize the authority to implement innovative mechanisms required to effect the joint public-private venture approach to planning, locating, permitting, managing, financing, constructing, operating, and maintaining a high-speed rail system for the state, including providing incentives for revenue generation, operation, construction, and management by the private sector.

Section 39. Section 341.8203, Florida Statutes, is created to read:

341.8203 *Definitions.*—As used in this act, unless the context clearly indicates otherwise, the term:

(1) “Associated development” means property, equipment, buildings, or other ancillary facilities which are built, installed, or established to provide financing, funding, or revenues for the planning, building, managing, and operation of a high-speed rail system and which are associated with or part of the rail stations. The term includes property, including air rights, necessary for joint development, such as parking facilities, retail establishments, restaurants, hotels, offices, or other commercial, civic, residential, or support facilities, and may also include property necessary to protect or preserve the rail station area by reducing urban blight or traffic congestion or property necessary to accomplish any of the purposes set forth in this subsection which are reasonably anticipated or necessary.

(2) “Authority” means the Florida High-Speed Rail Authority and its agents.

(3) “Central Florida” means the counties of Lake, Seminole, Orange, Osceola, Citrus, Sumter, Volusia, Brevard, Hernando, Pasco, Hillsborough, Pinellas, and Polk.

(4) “DBOM contract” means the document and all concomitant rights approved by the authority providing the selected person or entity the exclusive right to design, build, operate, and maintain a high-speed rail system.

(5) “DBOM & F contract” means the document and all concomitant rights approved by the authority providing the selected person or entity the exclusive right to design, build, operate, maintain, and finance a high-speed rail system.

(6) “High-speed rail system” means any high-speed fixed guideway system for transporting people or goods, which system is capable of operating at speeds in excess of 120 miles per hour, including, but not limited to, a monorail system, dual track rail system, suspended rail system, magnetic levitation system, pneumatic repulsion system, or other system approved by the authority. The term includes a corridor and structures essential to the operation of the line, including the land, structures, improvements, rights-of-way, easements, rail lines, rail beds,

guideway structures, stations, platforms, switches, yards, parking facilities, power relays, switching houses, rail stations, associated development, and any other facilities or equipment used or useful for the purposes of high-speed rail system design, construction, operation, maintenance, or the financing of the high-speed rail system.

(7) “Joint development” means the planning, managing, financing, or constructing of projects adjacent to, functionally related to, or otherwise related to a high-speed rail system pursuant to agreements between any person, firm, corporation, association, organization, agency, or other entity, public or private.

(8) “Northeast Florida” means the counties of Nassau, Duval, Clay, St. Johns, Putnam, Alachua, Marion, and Flagler.

(9) “Northwest Florida” means the counties of Escambia, Santa Rosa, Okaloosa, Walton, Holmes, Washington, Jackson, Gadsden, Bay, Calhoun, Liberty, Gulf, Franklin, Leon, Jefferson, Madison, Wakulla, Taylor, Hamilton, Suwannee, Columbia, Baker, Union, Lafayette, Gilchrist, Dixie, Bradford, and Levy.

(10) “Rail station,” “station,” or “high-speed rail station” means any structure or transportation facility that is part of a high-speed rail system designed to accommodate the movement of passengers from one mode of transportation to another at which passengers board or disembark from transportation conveyances and transfer from one mode of transportation to another.

(11) “Selected person or entity” means the person or entity to whom the authority awards a contract under s. 341.834 to establish a high-speed rail system pursuant to this act.

(12) “Southeast Florida” means the counties of Broward, Monroe, Miami-Dade, Indian River, St. Lucie, Martin, Okeechobee, and Palm Beach.

(13) “Southwest Florida” means the counties of Manatee, Hardee, DeSoto, Sarasota, Highlands, Charlotte, Glades, Lee, Hendry, and Collier.

(14) “Urban areas” means Central Florida, Northeast Florida, Northwest Florida, Southeast Florida, and Southwest Florida.

Section 40. Section 341.821, Florida Statutes, is amended to read:

341.821 Florida High-Speed Rail Authority.—

(1) There is created and established a body politic and corporate, an agency of the state, to be known as the “Florida High-Speed Rail Authority,” hereinafter referred to as the “authority.”

(2)(a) The governing board of the authority shall consist of nine voting members appointed as follows:

1. Three members shall be appointed by the Governor, one of whom must have a background in the area of environmental concerns, one of whom must have a legislative background, and one of whom must have a general business background.

2. Three members shall be appointed by the President of the Senate, one of whom must have a background in civil engineering, one of whom must have a background in transportation construction, and one of whom must have a general business background.

3. Three members shall be appointed by the Speaker of the House of Representatives, one of whom must have a legal background, one of whom must have a background in financial matters, and one of whom must have a general business background.

(b) The appointed members shall not be subject to confirmation by the Senate. The initial term of each member appointed by the Governor shall be for 4 years. The initial term of each member appointed by the President of the Senate shall be for 3 years. The initial term of each member appointed by the Speaker of the House of Representatives shall be for 2 years. Succeeding terms for all members shall be for terms of 4 years. ~~Initial appointments must be made within 30 days after the effective date of this act.~~

(c) A vacancy occurring during a term shall be filled by the respective appointing authority in the same manner as the original appointment and only for the balance of the unexpired term. An appointment to fill a vacancy shall be made within 60 days after the occurrence of the vacancy.

(d) The Secretary of Transportation shall be a nonvoting ex officio member of the board.

(e) The board shall elect one of its members as chair of the authority. The chair shall hold office at the will of the board. Five members of the board shall constitute a quorum, and the vote of five members shall be necessary for any action taken by the authority. The authority may meet upon the constitution of a quorum. No vacancy in the authority shall impair the right of a quorum of the board to exercise all rights and perform all duties of the authority.

(f) The members of the board shall not be entitled to compensation but shall be entitled to receive their travel and other necessary expenses as provided in s. 112.061.

(3) Notwithstanding any other law to the contrary, it shall not be or constitute a conflict of interest for a person having a background specified in this section to serve as a member of the authority. However, in each official decision to which this act is applicable, such member's firm or related entity may not have a financial or economic interest nor shall the authority contract with or conduct any business with a member or such member's firm or directly related business entity.

(4) The authority shall be assigned to the Department of Transportation for administrative purposes. The authority shall be a separate budget entity. The Department of Transportation shall provide administrative support and service to the authority to the extent requested by the chair of the authority. The authority shall not be subject to control, supervision, or direction by the Department of Transportation in any manner, including, but not limited to, personnel, purchasing, transactions involving real or personal property, and budgetary matters.

Section 41. Section 341.822, Florida Statutes, is amended to read:

341.822 Powers and duties.—

(1) The authority created and established by this act shall *locate, plan, design, finance, construct, maintain, own, operate,* administer, and manage the ~~preliminary engineering and preliminary environmental assessment of the intrastate high-speed rail system in the state,; hereinafter referred to as "intrastate high-speed rail."~~

(2) The authority may exercise all powers granted to corporations under the Florida Business Corporation Act, chapter 607, except the authority may *only not* incur debt *in accordance with the provisions of this act.*

(3) The authority shall have perpetual succession as a body politic and corporate.

(4) The authority is authorized to seek *and obtain* federal matching funds or any other funds to fulfill the requirements of this act *either directly or through the Department of Transportation.*

(5) The authority may employ an executive director, ~~permanent or temporary,~~ as it may require and shall determine the qualifications and fix the compensation. The authority may delegate to one or more of its agents or employees such of its power as it deems necessary to carry out the purposes of this act, subject always to the supervision and control of the authority.

Section 42. Section 341.823, Florida Statutes, is amended to read:

341.823 Criteria for assessment and recommendations.—

(1) The following criteria shall apply *to the establishment of the high-speed rail system in developing the preliminary engineering, preliminary environmental assessment, and recommendations* required by this act:

(a) The system shall be capable of traveling speeds in excess of 120 miles per hour consisting of dedicated rails or guideways separated from motor vehicle traffic;

(b) The initial segments of the system will be developed and operated between *the St. Petersburg area, the Tampa area, and the Orlando area,* with future service to *the Miami area;*

(c) The authority is to develop a *program model* that uses, to the maximum extent feasible, nongovernmental sources of funding for the design, construction, ~~maintenance,~~ and operation, *and financing* of the system;

(2) The authority shall *establish requirements* ~~make recommendations~~ concerning:

(a) The format and types of information that must be included in a financial or business plan for the high-speed rail system, and the authority may develop that financial or business plan;

(b) The preferred routes between the cities *and urban areas* designated *in accordance with s. 341.8203 in paragraph (1)(b);*

(c) The preferred locations for the stations in the cities *and urban areas* designated *in accordance with s. 341.8203 in paragraph (1)(b);*

(d) The preferred locomotion technology to be employed ~~from constitutional choices of monorail, fixed guideway, or magnetic levitation; and~~

~~(e) Any changes that may be needed in state statutes or federal laws which would make the proposed system eligible for available federal funding; and~~

~~(e)(f)~~ Any other issues the authority deems relevant to the development of a high-speed rail system.

(3) *The authority shall develop a marketing plan, a detailed planning-level ridership study, and an estimate of the annual operating and maintenance cost for the system and all other associate expenses.*

~~(3) When preparing the operating plan, the authority shall include:~~

~~(a) The frequency of service between the cities designated in paragraph (1)(b);~~

~~(b) The proposed fare structure for passenger and freight service;~~

~~(c) Proposed trip times, system capacity, passenger accommodations, and amenities;~~

~~(d) Methods to ensure compliance with applicable environmental standards and regulations;~~

~~(e) A marketing plan, including strategies that can be employed to enhance the utilization of the system;~~

~~(f) A detailed planning level ridership study;~~

~~(g) Consideration of nonfare revenues that may be derived from:~~

~~1. The sale of development rights at the stations;~~

~~2. License, franchise, and lease fees;~~

~~3. Sale of advertising space on the trains or in the stations; and~~

~~4. Any other potential sources deemed appropriate.~~

~~(h) An estimate of the total cost of the entire system, including, but not limited to, the costs to:~~

~~1. Design and build the stations and monorail, fixed guideway, or magnetic levitation system;~~

~~2. Acquire any necessary rights-of-way;~~

~~3. Purchase or lease rolling stock and other equipment necessary to build, operate, and maintain the system.~~

~~(i) An estimate of the annual operating and maintenance costs for the system and all other associated expenses.~~

~~(j) An estimate of the value of assets the state or its political subdivisions may provide as in-kind contributions for the system, including rights of way, engineering studies performed for previous high-speed rail initiatives, land for rail stations and necessary maintenance facilities, and any expenses that may be incurred by the state or its political subdivisions to accommodate the installation of the system.~~

~~(k) An estimate of the funding required per year from state funds for the next 30 years for operating the preferred routes between the cities designated in paragraph (1)(b).~~

~~Whenever applicable and appropriate, the authority will base estimates of projected costs, expenses, and revenues on documented expenditures or experience derived from similar projects.~~

Section 43. Section 341.824, Florida Statutes, is amended to read:

341.824 Technical, scientific, or other assistance.—

(1) The Florida Transportation Commission, the Department of Community Affairs, and the Department of Environmental Protection shall, at the authority's request, provide technical, scientific, or other assistance.

(2) *The Department of Community Affairs shall, if requested, provide assistance to local governments in analyzing the land use and comprehensive planning aspects of the high-speed rail system. The Department of Community Affairs shall assist the authority with the resolution of any conflicts between the system and adopted local comprehensive plans.*

(3) *The Department of Environmental Protection shall, if requested, provide assistance to local governments and other permitting agencies in analyzing the environmental aspects of the high-speed rail system. The Department of Environmental Protection shall assist the authority and the contractor in expediting the approval of the necessary environmental permits for the system.*

Section 44. Section 341.827, Florida Statutes, is created to read:

341.827 *Service areas; segment designation.—*

(1) *The authority shall determine in which order the service areas, as designated by the Legislature, will be served by the high-speed rail system.*

(2) *The authority shall plan and develop the high-speed rail system so that construction proceeds as follows:*

(a) The initial segments of the system shall be developed and operated between the St. Petersburg area, the Tampa area, the Lakeland/Winter Haven area, and the Orlando area, with future service to the Miami area.

(b) Construction of subsequent segments of the high-speed rail system shall connect the metropolitan areas of Port Canaveral/Cocoa Beach, Ft. Pierce, West Palm Beach, Ft. Lauderdale, Daytona Beach, St. Augustine, Jacksonville, Ft. Myers/Naples, Sarasota/Bradenton, Gainesville/Ocala, Tallahassee, and Pensacola.

(c) Selection of segments of the high-speed rail system to be constructed subsequent to the initial segments of the system shall be prioritized by the authority, giving consideration to the demand for service, financial participation by local governments, financial participation by the private sector, and the available financial resources of the authority.

Section 45. Section 341.828, Florida Statutes, is created to read:

341.828 *Permitting.—*

(1) The authority, for the purposes of permitting, may utilize one or more permitting processes provided for in statute, including, but not limited to, the metropolitan planning organization long-range transportation planning process as defined in s. 339.175 (6) and (7), in

conjunction with the Department of Transportation's work program process as defined in s. 339.135, or any permitting process now in effect or that may be in effect at the time of permitting and will provide the most timely and cost-effective permitting process.

(2) The authority shall work in cooperation with metropolitan planning organizations in areas where the high-speed rail system will be located. The metropolitan planning organizations shall cooperate with the authority and include the high-speed rail system alignment within their adopted long-range transportation plans and transportation improvement programs for the purposes of providing public information, consistency with the plans, and receipt of federal and state funds by the authority to support the high-speed rail system.

(3) For purposes of selecting a route alignment, the authority may use the project development and environment study process, including the efficient transportation decisionmaking system process as adopted by the Department of Transportation.

Section 46. Section 341.829, Florida Statutes, is created to read:

341.829 *Conflict prevention, mitigation, and resolution.—*

(1) The authority, in conjunction with the Executive Office of the Governor, the Department of Community Affairs, and the Department of Environmental Protection, shall develop and implement, within 180 days after the effective date of this act, a process to prevent, mitigate, and resolve, to the maximum extent feasible, any conflicts or potential conflicts of a high-speed rail system with growth management requirements and environmental standards.

(2) Any person who disagrees with the alignment decision must file a complaint with the authority within 20 days after the authority's final adoption of the alignment.

(3) The authority must respond to any timely filed complaint within 60 days after the complaint is filed with the authority.

Section 47. Section 341.830, Florida Statutes, is created to read:

341.830 *Procurement.—*

(1) The authority may employ procurement methods under chapters 255, 287, and 337 and under any rule adopted under such chapters. To enhance the effective and efficient operation of the authority, and to enhance the ability of the authority to use best business practices, the authority may, pursuant to ss. 120.536(1) and 120.54, adopt rules for and employ procurement methods available to the private sector.

(2) The authority is authorized to procure commodities and the services of a qualified person or entity to design, build, finance, operate, maintain, and implement a high-speed rail system, including the use of a DBOM or DBOM & F method using a request for proposal, a request for qualifications, or an invitation to negotiate.

Section 48. Section 341.831, Florida Statutes, is created to read:

341.831 *Prequalification.—*

(1) The authority may prequalify interested persons or entities prior to seeking proposals for the design, construction, operation, maintenance, and financing of the high-speed rail system. The authority may establish qualifying criteria that may include, but not be limited to, experience, financial resources, organization and personnel, equipment, past record or history of the person or entity, ability to finance or issue bonds, and ability to post a construction or performance bond.

(2) The authority may establish the qualifying criteria in a request for qualification without adopting the qualifying criteria as rules.

Section 49. Section 341.832, Florida Statutes, is created to read:

341.832 *Request for qualifications.—*

(1) The authority is authorized to develop and execute a request for qualifications process to seek a person or entity to design, build, operate, maintain, and finance a high-speed rail system. The authority may issue multiple requests for qualifications. The authority shall develop criteria

for selection of a person or entity that shall be included in any request for qualifications.

(2) The authority may issue a request for qualifications without adopting a rule.

Section 50. Section 341.833, Florida Statutes, is created to read:

341.833 Request for proposals.—

(1) The authority is authorized to develop and execute a request for proposals process to seek a person or entity to design, build, operate, maintain, and finance a high-speed rail system. The authority may issue multiple requests for proposals. The authority shall develop criteria for selection of a person or entity that shall be included in any request for proposals.

(2) In the request for proposals, the authority shall specify the minimum period of time for the contract duration. A person or entity may propose a longer period of time for the contract and provide justification of the need for an extended contract period. If the authority extends the time period for the contract, such time period shall be extended for all persons or entities if so requested.

Section 51. Section 341.834, Florida Statutes, is created to read:

341.834 Award of contract.—

(1) The authority may award a contract subject to such terms and conditions, including, but not limited to, compliance with any applicable permitting requirements, and any other terms and conditions the authority considers appropriate.

(2) The contract shall authorize the contractor to provide service between stations as established by the contract. The contractor shall coordinate its facilities and services with passenger rail providers, commuter rail authorities, and public transit providers to provide access to and from the high-speed rail system.

(3) The contractor shall not convey, lease, or otherwise transfer any high-speed rail system property, any interest in such property, or any improvement constructed upon such property without written approval of the authority.

Section 52. Section 341.835, Florida Statutes, is created to read:

341.835 Acquisition of property; rights-of-way; disposal of land.—

(1) The authority may purchase, lease, exchange, or otherwise acquire any land, property interests, or buildings or other improvements, including personal property within such buildings or on such lands, necessary to secure or utilize rights-of-way for existing, proposed, or anticipated high-speed rail system facilities.

(2) Title to any property acquired in the name of the authority shall be administered by the authority under such terms and conditions as the authority may require.

(3) When the authority acquires property for a high-speed rail system, or any related or ancillary facilities, by purchase or donation, it is not subject to any liability imposed by chapter 376 or chapter 403 for preexisting soil or groundwater contamination due solely to its ownership. This section does not affect the rights or liabilities of any past or future owners of the acquired property, nor does it affect the liability of any governmental entity for the results of its actions which create or exacerbate a pollution source. The authority and the Department of Environmental Protection may enter into interagency agreements for the performance, funding, and reimbursement of the investigative and remedial acts necessary for property acquired by the authority.

(4) In acquiring property or property rights for any high-speed rail system or related or ancillary facilities, the authority may acquire an entire lot, block, or tract of land if the interests of the public will be best served by such acquisition, even though the entire lot, block, or tract is not immediately needed for the right-of-way proper or for the specific related or ancillary facilities.

(5) The authority, by resolution, may dispose of any interest in property acquired pursuant to this section on terms and conditions the authority deems appropriate.

(6) The authority and its employees and agents shall have the right to enter upon properties which may be determined to be necessary for the construction, reconstruction, relocation, maintenance, and operation of a proposed high-speed rail system and associated development and related or ancillary facilities as described in subsection (1) for the purposes of surveying and soil and environmental testing.

(7) The authority is authorized to accept donations of real property from public or private entities for the purposes of implementing a high-speed rail system.

Section 53. Section 341.836, Florida Statutes, is created to read:

341.836 Associated development.—

(1) The authority, alone or as part of a joint development, may undertake development of associated developments to be a source of revenue for the establishment, construction, operation, or maintenance of the high-speed rail system. Such associated developments must be associated with a rail station and have pedestrian ingress to and egress from the rail station; be consistent, to the extent feasible, with applicable local government comprehensive plans and local land development regulations; and otherwise be in compliance with the provisions of this act.

(2) This act does not prohibit the authority, the selected person or entity, or a party to a joint venture with the authority or its selected person or entity from obtaining approval, pursuant to any other law, for any associated development that is reasonably related to the high-speed rail system.

Section 54. Section 341.837, Florida Statutes, is created to read:

341.837 Payment of expenses.—All expenses incurred in carrying out the provisions of this act shall be payable solely from funds provided under the authority of this act, or from other legally available sources.

Section 55. Section 341.838, Florida Statutes, is created to read:

341.838 Rates, rents, fees, and charges.—

(1) The authority is authorized to fix, revise, charge, and collect rates, rents, fees, charges, and revenues for the use of and for the services furnished, or to be furnished, by the system and to contract with any person, partnership, association, corporation, or other body, public or private, in respect thereof. Such rates, rents, fees, and charges shall be reviewed annually by the authority and may be adjusted as set forth in the contract setting such rates, rents, fees, or charges. The funds collected hereunder shall, with any other funds available, be used to pay the cost of all administrative expenses of the authority, and the cost of designing, building, operating, and maintaining the system and each and every portion thereof, to the extent that the payment of such cost has not otherwise been adequately provided for.

(2) Rates, rents, fees, and charges fixed, revised, charged, and collected pursuant to this section shall not be subject to supervision or regulation by any department, commission, board, body, bureau, or agency of this state other than the authority.

Section 56. Section 341.839, Florida Statutes, is created to read:

341.839 Alternate means.—The foregoing sections of this act shall be deemed to provide an additional and alternative method for accomplishing the purposes authorized therein, and shall be regarded as supplemental and additional to powers conferred by other laws. Except as otherwise expressly provided in this act, none of the powers granted to the authority under the provisions of this act shall be subject to the supervision or require the approval or consent of any municipality or political subdivision or any commission, board, body, bureau, or official.

Section 57. Section 341.840, Florida Statutes, is created to read:

341.840 Tax exemption.—The exercise of the powers granted by this act will be in all respects for the benefit of the people of this state, for the

increase of their commerce, welfare, and prosperity, and for the improvement of their health and living conditions, and as the design, building, operation, maintenance, and financing of a system by the authority or its agent or the owner or lessee thereof, as herein authorized, constitutes the performance of an essential public function, neither the authority, its agent, nor the owner of such system shall be required to pay any taxes or assessments upon or in respect to the system or any property acquired or used by the authority, its agent, or such owner under the provisions of this act or upon the income therefrom, any security therefor, their transfer, and the income therefrom, including any profit made on the sale thereof, shall at all times be free from taxation of every kind by the state, the counties, and the municipalities and other political subdivisions in the state.

Section 58. Section 341.841, Florida Statutes, is created to read:

341.841 Report; audit.—The authority shall prepare an annual report of its actions, findings, and recommendations and submit the report to the Governor, the President of the Senate, and the Speaker of the House of Representatives on or before January 1. The authority shall provide for an annual financial audit, as defined in s. 11.45, of its accounts and records conducted by an independent certified public accountant. The audit report shall include a management letter as defined in s. 11.45. The cost of the audit shall be paid from funds available to the authority pursuant to this act.

Section 59. Section 341.842, Florida Statutes, is created to read:

341.842 Liberal construction.—This act, being necessary for the welfare of the state and its inhabitants, shall be liberally construed to effect the purposes hereof.

Section 60. Subsection (10) of section 288.109, Florida Statutes, is amended to read:

288.109 One-Stop Permitting System.—

(10) Notwithstanding any other provision of law or administrative rule to the contrary, the fee imposed by a state agency or water management district for issuing a development permit shall be waived for a 6-month period beginning on the date the state agency or water management district begins accepting development permit applications over the Internet and the applicant submits the development permit to the agency or district using the One-Stop Permitting System. The 6-month fee waiver shall not apply to development permit fees assessed by the Electrical Power Plant Siting Act, ss. 403.501-403.519; the Transmission Line Siting Act, ss. 403.52-403.5365; the statewide Multipurpose Hazardous Waste Facility Siting Act, ss. 403.78-403.7893; and the Natural Gas Pipeline Siting Act, ss. 403.9401-403.9425; ~~and the High-Speed Rail Transportation Siting Act, ss. 341.3201-341.386.~~

Section 61. Subsection (6) of section 334.30, Florida Statutes, is amended to read:

334.30 Private transportation facilities.—The Legislature hereby finds and declares that there is a public need for rapid construction of safe and efficient transportation facilities for the purpose of travel within the state, and that it is in the public's interest to provide for the construction of additional safe, convenient, and economical transportation facilities.

(6) ~~Notwithstanding s. 341.327,~~ A fixed-guideway transportation system authorized by the department to be wholly or partially within the department's right-of-way pursuant to a lease granted under s. 337.251 may operate at any safe speed.

Section 62. Subsection (9) of section 337.251, Florida Statutes, is amended to read:

337.251 Lease of property for joint public-private development and areas above or below department property.—

(9) ~~Notwithstanding s. 341.327,~~ A fixed-guideway transportation system authorized by the department to be wholly or partially within the department's right-of-way pursuant to a lease granted under this section may operate at any safe speed.

Section 63. Section 341.501, Florida Statutes, is amended to read:

341.501 High-technology transportation systems; joint project agreement or assistance.—Notwithstanding any other provision of law, the Department of Transportation may enter into a joint project agreement with, or otherwise assist, private or public entities, or consortia thereof, to facilitate the research, development, and demonstration of high-technology transportation systems, including, but not limited to, systems using magnetic levitation technology. ~~The provisions of the Florida High-Speed Rail Transportation Act, ss. 341.3201-341.386, do not apply to actions taken under this section, and~~ The department may, subject to s. 339.135, provide funds to match any available federal aid for effectuating the research, development, and demonstration of high-technology transportation systems.

Section 64. *Sections 341.3201, 341.321, 341.322, 341.325, 341.327, 341.329, 341.331, 341.332, 341.3331, 341.3332, 341.3333, 341.3334, 341.3335, 341.3336, 341.3337, 341.3338, 341.3339, 341.334, 341.335, 341.336, 341.3365, 341.342, 341.343, 341.344, 341.345, 341.346, 341.3465, 341.347, 341.348, 341.351, 341.352, 341.353, 341.363, 341.364, 341.365, 341.366, 341.368, 341.369, 341.371, 341.372, 341.375, 341.381, 341.382, 341.383, and 341.386, Florida Statutes, are repealed.*

And the title is amended as follows:

On page 3, line 29, remove:

after the semicolon, insert: creating s. 339.141, F.S.; creating the Regional Transportation Act; providing program purpose; creating the Regional Transportation Advisory Council; providing for membership, meetings, and staff support of the council; providing duties; requiring recommendation of regional transportation projects; providing criteria and procedures for approval of Regional Transportation Act grant projects; providing for approval by the department secretary, who then submits the list to the Legislature; providing for funding; providing for allocation of funds from the State Transportation Trust Fund; limiting application of certain requirements; creating s. 339.142, F.S.; providing for designation as a regional transportation corridor; providing a definition; designating certain infrastructure as such corridors; authorizing the council to designate such corridors; creating s. 339.143, F.S.; creating Regional Transportation Act grants; providing legislative findings and purpose; providing criteria for program eligibility; providing for recommendation by the council and approval by the Legislature; providing for funding; amending s. 339.2817, F.S.; adding new criteria to the COunty Incentive Grant Program; amending s. 339.08, F.S.; revising provisions relating to use of moneys in the State Transportation Trust Fund; correcting references; amending s. 339.1371, F.S.; deleting provisions for funding the Transportation Outreach Program; amending s. 215.211, F.S.; clarifying intent to use certain local-option fuel tax revenues; specifying funding for the County Incentive Grant Program and the Small County Outreach Program; repealing s. 339.137, F.S., relating to the Transportation Outreach Program; providing funds for certain county incentive programs; creating the "Florida High-Speed Rail Authority Act"; creating s. 341.8201, F.S.; providing a short title; creating s. 341.8202, F.S.; providing legislative findings, policy, purpose, and intent with respect to the development, design, financing, construction, and operation of a high-speed rail system in the state; creating s. 341.8203, F.S.; providing definitions; amending s. 341.821, F.S., relating to the creation of the Florida High-Speed Rail Authority; removing obsolete provisions; amending s. 341.822, F.S.; revising and providing additional powers and duties of the authority; amending s. 341.823, F.S.; revising the criteria for assessment and recommendations with respect to the establishment of the high-speed rail system; requiring the authority to establish specified requirements; requiring the authority to develop a specified plan, study, and estimates; amending s. 341.824, F.S.; specifying types of technical, scientific, or other assistance to be provided by the Department of Community Affairs and the Department of Environmental Protection; creating s. 341.827, F.S.; providing for determination of service areas and the order of system segment construction; creating s. 341.828, F.S.; authorizing the authority to utilize existing permitting processes; requiring cooperation between the authority and metropolitan planning organizations; creating s. 341.829,

F.S.; requiring the authority, in conjunction with the Executive Office of the Governor, the Department of Community Affairs, and the Department of Environmental Protection, to develop and implement a process to mitigate and resolve conflicts between the system and growth management requirements and environmental standards; providing time limits for the filing of and response to specified complaints; creating s. 341.830, F.S.; authorizing the authority to employ specified procurement methods; providing for the adoption of rules; authorizing the authority to procure commodities and services for the designing, building, financing, maintenance, operation, and implementation of a high-speed rail system; creating s. 341.831, F.S.; authorizing the authority to prequalify interested persons or entities prior to seeking proposals for the design, construction, operation, maintenance, and financing of the high-speed rail system; providing for the establishment of qualifying criteria; creating s. 341.832, F.S.; authorizing the authority to develop and execute a request for qualifications process; creating s. 341.833, F.S.; authorizing the authority to develop and execute a request for proposals process to seek a person or entity to design, build, operate, maintain, and finance a high-speed rail system; creating s. 341.834, F.S.; providing for award of a conditional contract; providing contract requirements; prohibiting transfer of system property without written approval; creating s. 341.835, F.S.; authorizing the authority to purchase, lease, exchange, or acquire land, property, or buildings necessary to secure or utilize rights-of-way for high-speed rail system facilities; providing that the authority is not subject to specified liability; authorizing the authority and the Department of Environmental Protection to enter into certain interagency agreements; providing for the disposal of interest in property; authorizing agents and employees of the authority to enter upon certain property; authorizing the authority to accept donations of real property; creating s. 341.836, F.S.; authorizing the authority to undertake the development of associated developments; providing requirements of associated developments; creating s. 341.837, F.S.; providing for payment of expenses incurred in carrying out the act; creating s. 341.838, F.S.; authorizing the authority to fix, revise, charge, collect, and adjust rates, rents, fees, charges, and revenues, and to enter into contracts; providing for annual review by the authority of rates, rents, fees, and charges; providing for uses of revenues; creating s. 341.839, F.S.; providing that the act is supplemental and additional to powers conferred by other laws; exempting powers of the authority from specified supervision, approval, or consent; creating s. 341.840, F.S.; providing tax exemptions for property acquired or used by the authority or specified income; creating s. 341.841, F.S.; requiring the authority to prepare and submit a report; providing for an annual audit; creating s. 341.842, F.S.; providing construction of the act; amending s. 288.109, F.S.; removing a cross reference; amending s. 334.30, F.S.; removing a cross reference; amending s. 337.251, F.S.; removing a cross reference; amending s. 341.501, F.S.; providing that specified actions do not apply to the Florida High-Speed Rail Authority Act; repealing s. 341.3201, F.S., relating to the short title for ss. 341.3201-341.386, F.S., the "Florida High-Speed Rail Transportation Act"; repealing s. 341.321, F.S., relating to legislative findings, policy, purpose, and intent with respect to the development of a high-speed rail transportation system connecting the major urban areas of the state; repealing s. 341.322, F.S., relating to definitions of terms; repealing s. 341.325, F.S., relating to special powers and duties of the Department of Transportation; repealing s. 341.327, F.S., which provides that the Florida High-Speed Rail Transportation Act is the sole and exclusive determination of need for any high-speed rail transportation system established under the act, thereby preempting specified determinations of need; repealing s. 341.329, F.S., relating to the issuance of bonds to finance a high-speed rail transportation system; repealing s. 341.331, F.S., relating to designation of the areas of the state to be served by the high-speed rail transportation system and designation of termini; repealing s. 341.332, F.S., relating to the award of franchises by the Department of Transportation to establish a high-speed rail transportation system; repealing s. 341.3331, F.S., relating to request for proposals; repealing s. 341.3332, F.S., relating to notice of issuance of request for proposals; repealing s. 341.3333, F.S., relating to requirements with respect to an application for franchise, and confidentiality of the application and portions of the application relating to trade secrets; repealing s. 341.3334, F.S., relating to the departmental review process of

application for franchise; repealing s. 341.3335, F.S., relating to interagency coordination of franchise application review; repealing s. 341.3336, F.S., relating to public meetings on franchise applications; repealing s. 341.3337, F.S., relating to determination and award of franchise; repealing s. 341.3338, F.S., relating to effect of franchise; repealing s. 341.3339, F.S., relating to postfranchise agreements; repealing s. 341.334, F.S., relating to the powers and duties of the Department of Transportation with respect to the act; repealing s. 341.335, F.S., relating to the powers and duties of the Florida Land and Water Adjudicatory Commission sitting as the board; repealing s. 341.336, F.S., relating to the powers and duties of the Department of Environmental Protection, the Department of Community Affairs, and other affected agencies; repealing s. 341.3365, F.S., relating to certification procedures; repealing s. 341.342, F.S., relating to agreements concerning contents of certification application and supporting documentation; repealing s. 341.343, F.S., relating to review of certification applications; repealing s. 341.344, F.S., relating to the establishment, composition, organization, and duties of the Citizens' Planning and Environmental Advisory Committee; repealing s. 341.345, F.S., relating to alternate corridors or transit station locations; repealing s. 341.346, F.S., relating to the powers and duties of an administrative law judge appointed to conduct hearings under the act; repealing s. 341.3465, F.S., relating to alteration of time limitations specified by the act; repealing s. 341.347, F.S., relating to required combined public meetings and land use and zoning hearings to be conducted by local governments; repealing s. 341.348, F.S., relating to reports and studies required of various agencies by the act; repealing s. 341.351, F.S., relating to publication and contents of notice of certification application and proceedings; repealing s. 341.352, F.S., relating to certification hearings; repealing s. 341.353, F.S., relating to final disposition of certification applications; repealing s. 341.363, F.S., relating to the effect of certification; repealing s. 341.364, F.S., relating to a franchisee's right to appeal to the Florida Land and Water Adjudicatory Commission under specified circumstances; repealing s. 341.365, F.S., relating to associated development; repealing s. 341.366, F.S., relating to recording of notice of certified corridor route; repealing s. 341.368, F.S., relating to modification of certification or franchise; repealing s. 341.369, F.S., relating to fees imposed by the department and the disposition of such fees; repealing s. 341.371, F.S., relating to revocation or suspension of franchise or certification; repealing s. 341.372, F.S., relating to imposition by the department of specified administrative fines in lieu of revocation or suspension of franchise; repealing s. 341.375, F.S., relating to the required participation by women, minorities, and economically disadvantaged individuals in all phases of the design, construction, maintenance, and operation of a high-speed rail transportation system developed under the act, and required plans for compliance by franchisees; repealing s. 341.381, F.S., relating to applicability of the act; repealing s. 341.382, F.S., relating to laws and regulations superseded by the act; repealing s. 341.383, F.S., relating to the authority of local governments to assess specified fees; repealing s. 341.386, F.S., relating to the admissibility of the award of a franchise and of a certification under the act in eminent domain proceedings;

THE SPEAKER IN THE CHAIR

Rep. Russell moved the adoption of the amendment, which was adopted by the required two-thirds vote.

The question recurred on the passage of CS/HB 261. The vote was:

Session Vote Sequence: 1139

Yeas—111

The Chair	Baker	Bilirakis	Cantens
Alexander	Barreiro	Bowen	Carassas
Allen	Bean	Brown	Clarke
Andrews	Bennett	Brummer	Cusack
Arza	Bense	Brutus	Davis
Attkisson	Benson	Bucher	Detert
Atwater	Berfield	Bullard	Diaz de la Portilla
Ausley	Betancourt	Byrd	Diaz-Balart

Dockery	Henriquez	Mack	Rubio
Evers	Heyman	Mahon	Russell
Farkas	Hogan	Mayfield	Ryan
Fasano	Holloway	Maygarden	Seiler
Fields	Jennings	McGriff	Simmons
Fiorentino	Johnson	Meadows	Siplin
Flanagan	Jordan	Mealor	Slosberg
Frankel	Justice	Melvin	Smith
Garcia	Kallinger	Murman	Sobel
Gardiner	Kendrick	Needelman	Sorensen
Gelber	Kilmer	Negron	Spratt
Gibson	Kosmas	Paul	Stansel
Goodlette	Kottkamp	Peterman	Trovillion
Gottlieb	Kravitz	Pickens	Wallace
Green	Kyle	Prieguez	Waters
Haridopolos	Lacasa	Rich	Weissman
Harper	Lee	Richardson	Wiles
Harrell	Lerner	Ritter	Wilson
Harrington	Littlefield	Romeo	Wishner
Hart	Machek	Ross	

Nays—4

Argenziano	Crow	Gannon	Lynn
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Votes after roll call:

Yeas—Greenstein

Yeas to Nays—Frankel, Justice

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

CS for SB 1268—A bill to be entitled An act relating to the Florida State Boxing Commission; amending s. 548.002, F.S.; providing definitions; amending s. 548.003, F.S.; requiring one member of the Florida State Boxing Commission to be a licensed physician; providing additional duties and responsibilities of the commission; amending s. 548.006, F.S.; providing for provisional certification of competitiveness of mixed martial arts and kickboxing matches; amending s. 548.008, F.S.; providing that the prohibition of toughman and badman competitions shall not preclude mixed martial arts; creating s. 548.015, F.S.; authorizing the commission to require the posting of a bond or other form of security by concessionaires; amending s. 548.017, F.S.; conforming terminology; providing requirements for ringside physicians; requiring concessionaires to be licensed; amending s. 548.021, F.S.; providing a criminal penalty for attempting to obtain a license by means of fraudulent information; creating s. 548.024, F.S.; authorizing the commission to adopt rules providing for background investigations of applicants for licensure; providing for the submission of fingerprint cards; providing procedure for processing fingerprint cards; amending s. 548.028, F.S.; expanding provisions with respect to persons whom the commission may not license; amending s. 548.035, F.S.; requiring a minimum permit fee for mixed martial arts events; amending s. 548.041, F.S.; providing requirements and restrictions with respect to age, condition, and suspension of participants; providing for revocation of license under specified circumstances; amending s. 548.043, F.S.; clarifying provisions relating to weights and classes of participants; prescribing glove weights for mixed martial arts participants; providing requirements and procedure for the weighing of participants in a boxing match; amending s. 548.046, F.S.; revising provisions with respect to physicians' attendance at boxing matches; providing state insurance coverage and sovereign immunity protection for assigned physicians; authorizing blood tests of participants prior to a match; providing for cancellation of the match for a test showing the presence of a communicable disease or for failure to present blood test results, if required; authorizing the commission to adopt rules relating to blood tests; requiring the provision of urine samples by participants under specified circumstances; providing for revocation of license for failure or refusal to provide a required urine sample; providing conditions with respect to forfeiture and redistribution of purse upon failure or refusal to provide a required urine sample; specifying authority of physicians at boxing matches; providing procedure in the event of injury of a referee; amending s. 548.049, F.S.; increasing the

minimum coverage amount of required insurance for participants in boxing matches; requiring promoters to pay any deductible for such insurance policy; amending s. 548.05, F.S.; providing additional requirements with respect to contracts between managers and professionals; conforming terminology; amending s. 548.052, F.S.; conforming terminology; amending s. 548.057, F.S.; revising provisions relating to attendance of referees and judges at matches, the scoring of matches, and seconds at matches to provide for applicability of requirements with respect thereto to all matches; revising terminology; placing specified restrictions on judges of boxing matches; providing requirements with respect to number and location of judges; amending s. 548.06, F.S., relating to payments to the state; revising components which constitute gross receipts; providing requirements with respect to the sale or extension of rights to a telecast of a match held in the state; requiring a written report; requiring concessionaires to file specified written reports; providing requirements with respect to written reports; amending s. 548.061, F.S.; revising provisions relating to the required filing of reports regarding, and payment of tax from the sale of tickets for, closed circuit telecasts to provide applicability of such requirements to any match; amending s. 548.074, F.S.; providing that the department shall have the power to administer oaths, take depositions, make inspections, serve subpoenas, and compel the attendance of witnesses and other evidence; amending s. 548.075, F.S.; authorizing the commission to adopt rules to permit the issuance of citations; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 1140

Yeas—112

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

Nays—1

Sobel

Votes after roll call:

Yeas—Holloway, Prieguez, Ritter, Siplin

Nays to Yeas—Sobel

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

CS for SB 688—A bill to be entitled An act relating to the Spaceport Florida Authority; amending ss. 74.011, 196.012, 212.02, 288.063, 288.075, 288.35, 288.9415, 288.9515, 330.30, 331.301, 331.302, F.S.;

changing the name of the Spaceport Florida Authority to the Florida Space Authority; amending s. 331.303, F.S.; defining the term "Spaceport Florida"; conforming provisions to the name change; amending s. 331.304, F.S.; naming certain spaceport territory; revising the boundaries of spaceport territory; amending s. 331.308, F.S.; conforming provisions to the name change; 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; amending s. 331.3101, F.S.; conforming provisions to the name change; amending s. 331.349, F.S.; changing the fiscal year of the authority; amending s. 331.360, F.S.; conforming provisions to the name change; conforming a cross-reference; amending s. 331.367, F.S.; revising the membership, mission, administration, and reporting requirements of the Spaceport Management Council and its executive board; amending ss. 331.368, 331.405, 331.411, 339.137, 339.175, 768.28, F.S.; conforming provisions to the name change; deleting obsolete provisions; providing effective dates.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 1141

Yeas—116

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

Nays—None

Votes after roll call:

- Yeas—Siplin, Weissman
- Yeas to Nays—Siplin
- Nays to Yeas—Siplin

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

CS/HB 1841—A bill to be entitled An act relating to insurance company representatives; providing legislative findings and intent; creating s. 626.015, F.S.; providing definitions; creating s. 626.025, F.S.; requiring insurance agents to comply with certain consumer protection laws; amending s. 626.171, F.S.; requiring the department to accept a uniform application for nonresident agent licensing; creating s. 626.175, F.S.; providing for Department of Insurance issuance of temporary licenses under certain circumstances; providing requirements and procedures; providing for fees; creating s. 626.207, F.S.; requiring the department to adopt rules establishing waiting periods for applicants for licensure under certain circumstances; authorizing the department

to adopt rules providing for penalties for licensees under certain circumstances; amending s. 626.221, F.S.; exempting customer representatives and adjusters with certain designations, agents transferring their licenses from other states, and certain applicants for nonresident agent licensure from certain examination requirements under certain circumstances; amending s. 626.2815, F.S.; specifying additional continuing education requirements; creating s. 626.292, F.S.; providing requirements and procedures for certain agents licensed in other states to transfer their licenses to this state under certain circumstances; amending s. 626.301, F.S.; revising the form and content of licenses issued by the department; creating s. 626.536, F.S.; requiring agents to report to the department certain final dispositions of administrative actions taken against the agent; authorizing the department to adopt rules to implement the requirement; amending s. 626.551, F.S.; extending the time period allowed for licensees to notify the department of a change of address or name; providing for fines for failure to timely report such information to the department; creating ss. 626.7315, 626.7845, and 626.8305, F.S.; prohibiting engaging in specified general lines insurance activities, life insurance activities, or health insurance activities without a license; amending s. 626.732, F.S.; specifying additional requirements relating to knowledge, experience, or instruction for certain customer representatives and service representatives; specifying additional classroom and correspondence course instruction requirements; amending s. 626.738, F.S.; specifying cancellation of solicitor licenses and conversion to general lines insurance agent licenses; amending ss. 626.741, 626.792, and 626.835, F.S.; authorizing the department to issue a nonresident general lines agent, life agent, or health agent license to certain individuals under certain circumstances; authorizing the department to enter into reciprocal agreements with other states to waive certain examinations under certain circumstances; authorizing the department to verify the nonresident applicant's licensing status through a database; creating s. 626.7455, F.S.; prohibiting insurers from entering into agreements with unlicensed persons to manage certain business of the insurer; providing an exception; amending s. 626.785, F.S.; increasing a limitation on authorized final disposition or burial policies; amending ss. 626.7851 and 626.8311, F.S.; specifying additional classroom and correspondence course instruction requirements; amending s. 626.852, F.S.; exempting from insurance adjusters provisions persons adjusting only multiple-peril crop insurance or crop hail claims; amending s. 626.902, F.S.; increasing a criminal penalty for representing an unauthorized insurer; providing a penalty for subsequent violations; amending ss. 624.11, 624.509, 626.094, 626.112, 626.321, 626.727, 626.729, 626.730, 626.7454, 626.779, 626.790, 626.8411, 626.927, 626.992, 629.401, and 648.27, F.S., to conform; amending s. 626.032, F.S., relating to a definition of administrative agent; amending ss. 624.311, 624.523, 624.507, 626.0428, 626.141, 626.112, 626.171, 626.221, 626.2815, 626.321, 626.451, 626.511, 626.521, 626.561, 626.601, 626.611, 626.621, 626.641, 626.651, 626.730, 626.745, 626.9541, 627.776, 631.155, 631.341, 634.318, 641.37, and 642.041, F.S., to conform; repealing ss. 624.505(2), 626.727(2), 626.737, 626.738, and 626.862(2), F.S., to conform; repealing ss. 626.031, 626.041, 626.051, 626.062, 626.071, 626.072, 626.081, 626.091, 626.094, 626.101, 626.102, 626.103, and 626.104, F.S., relating to definitions; repealing ss. 626.736, 626.737, and 626.738, F.S., relating to solicitors; repealing s. 626.739, F.S., relating to certain temporary licenses; repealing s. 626.740, F.S., relating to certain temporary limited licenses; repealing ss. 626.790 and 626.791, F.S., relating to certain temporary licenses; providing effective dates.

—was read the third time by title.

Representative(s) Waters offered the following:

(Amendment Bar Code: 944721)

Amendment 5—On page 5, line 15 remove: 626.731

and insert: 626.7315

Rep. Waters moved the adoption of the amendment, which was adopted by the required two-thirds vote.

Representative(s) Waters offered the following:

(Amendment Bar Code: 633843)

Amendment 6—On page 6, line 1
remove: (15), and (17)

and insert: (16), and (18)

Rep. Waters moved the adoption of the amendment, which was adopted by the required two-thirds vote.

Representative(s) Waters offered the following:

(Amendment Bar Code: 170601)

Amendment 7—On page 31, line 17
remove: "626.015"

and insert: 626.015(7)

Rep. Waters moved the adoption of the amendment, which was adopted by the required two-thirds vote.

Representative(s) Waters offered the following:

(Amendment Bar Code: 875019)

Amendment 8—On page 41, line 5
remove: "626.015(11)"

and insert: 626.015(12)

Rep. Waters moved the adoption of the amendment, which was adopted by the required two-thirds vote.

Representative(s) Waters offered the following:

(Amendment Bar Code: 361035)

Amendment 9—On page 44, line 29
remove: "626.015(7)"

and insert: 626.015(8)

Rep. Waters moved the adoption of the amendment, which was adopted by the required two-thirds vote.

Representative(s) Waters offered the following:

(Amendment Bar Code: 921705)

Amendment 10—On page 44, line 29
remove: 626.015(7)

and insert: 626.015(11)

Rep. Waters moved the adoption of the amendment, which was adopted by the required two-thirds vote.

The question recurred on the passage of CS/HB 1841. The vote was:

Session Vote Sequence: 1142

Yeas—118

The Chair	Benson	Davis	Gibson
Alexander	Berfield	Detert	Goodlette
Allen	Betancourt	Diaz de la Portilla	Gottlieb
Andrews	Bilirakis	Diaz-Balart	Green
Argenziano	Bowen	Dockery	Greenstein
Arza	Brown	Evers	Haridopolos
Attkisson	Brummer	Farkas	Harper
Atwater	Brutus	Fasano	Harrell
Ausley	Bucher	Fields	Hart
Baker	Bullard	Fiorentino	Henriquez
Ball	Byrd	Flanagan	Heyman
Barreiro	Cantens	Frankel	Hogan
Bean	Carassas	Gannon	Holloway
Bendross-Mindingall	Clarke	Garcia	Jennings
Bennett	Crow	Gardiner	Johnson
Bense	Cusack	Gelber	Jordan

Joyner	Machek	Pickens	Smith
Justice	Mack	Prieguez	Sobel
Kallinger	Mahon	Rich	Sorensen
Kendrick	Mayfield	Richardson	Spratt
Kilmer	Maygarden	Ritter	Stansel
Kosmas	McGriff	Romeo	Trovillion
Kottkamp	Meadows	Ross	Wallace
Kravitz	Mealor	Rubio	Waters
Kyle	Melvin	Russell	Weissman
Lacasa	Murman	Ryan	Wiles
Lee	Needelman	Seiler	Wilson
Lerner	Negron	Simmons	Wishner
Littlefield	Paul	Siplin	
Lynn	Peterman	Slosberg	

Nays—None

Votes after roll call:

Yeas—Harrington

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

CS for SB 678—A bill to be entitled An act relating to pollution reduction; amending s. 403.067, F.S.; authorizing the development of interim measures or best-management practices for specified water bodies or segments for which total maximum daily loads or allocations have not yet been established; amending s. 403.121, F.S.; providing that a professional engineer is not the agent of an owner or tenant for purposes of enforcing penalties for unpermitted dredging or filling or mangrove trimming; amending s. 373.4595, F.S.; providing eligibility requirements for available grants from coordinating agencies; providing additional requirements for land application of domestic wastewater residuals and septage after a certain date; providing penalties for violations; amending s. 403.08725, F.S.; extending the time limit for approval by the United States Environmental Protection Agency of this section as being in compliance with specified federal requirements; providing an effective date.

—was read the third time by title.

REPRESENTATIVE BALL IN THE CHAIR

The question recurred on the passage of CS for SB 678. The vote was:

Session Vote Sequence: 1143

Yeas—116

The Chair	Byrd	Gottlieb	Lee
Alexander	Cantens	Green	Lerner
Allen	Carassas	Greenstein	Littlefield
Argenziano	Clarke	Haridopolos	Lynn
Arza	Crow	Harper	Machek
Attkisson	Cusack	Harrell	Mack
Atwater	Davis	Harrington	Mahon
Ausley	Detert	Hart	Mayfield
Baker	Diaz de la Portilla	Henriquez	Maygarden
Barreiro	Diaz-Balart	Heyman	McGriff
Bean	Dockery	Hogan	Meadows
Bendross-Mindingall	Evers	Holloway	Mealor
Bennett	Farkas	Jennings	Melvin
Bense	Fasano	Johnson	Murman
Benson	Feeney	Jordan	Needelman
Berfield	Fields	Joyner	Negron
Betancourt	Fiorentino	Justice	Paul
Bilirakis	Flanagan	Kallinger	Peterman
Bowen	Gannon	Kendrick	Pickens
Brown	Garcia	Kilmer	Prieguez
Brummer	Gardiner	Kottkamp	Rich
Brutus	Gelber	Kravitz	Richardson
Bucher	Gibson	Kyle	Ritter
Bullard	Goodlette	Lacasa	Romeo

Ross	Simmons	Sorensen	Waters
Rubio	Siplin	Spratt	Weissman
Russell	Slosberg	Stansel	Wiles
Ryan	Smith	Trovillion	Wilson
Seiler	Sobel	Wallace	Wishner

Nays—None

Votes after roll call:

Yeas—Andrews, Frankel, Kosmas

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

CS for SB 2102—A bill to be entitled An act relating to service agreements; amending s. 634.011, F.S.; revising the definition of “motor vehicle service agreement”; amending s. 634.041, F.S.; revising the definition of “corporation”; requiring service agreement companies to maintain contractual liability insurance and limiting those to whom vehicle protection products may be sold; amending s. 634.121, F.S.; providing service agreement form requirements; amending s. 634.191, F.S.; revising the definition of unfair competition or unfair or deceptive acts or practices for purposes of disciplinary actions against a salesperson; amending s. 634.406, F.S.; revising the financial requirements for warranty associations to qualify for contractual liability policies covering claims exposure under contracts delivered in this state; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 1144

Yeas—118

The Chair	Davis	Holloway	Paul
Alexander	Detert	Jennings	Peterman
Allen	Diaz de la Portilla	Johnson	Pickens
Andrews	Diaz-Balart	Jordan	Prieguez
Argenziano	Dockery	Joyner	Rich
Arza	Evers	Justice	Richardson
Attkisson	Farkas	Kallinger	Ritter
Atwater	Fasano	Kendrick	Romeo
Ausley	Feeney	Kilmer	Ross
Baker	Fields	Kosmas	Rubio
Barreiro	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	Sobel
Bowen	Goodlette	Machek	Sorensen
Brown	Gottlieb	Mack	Spratt
Brummer	Green	Mahon	Stansel
Brutus	Greenstein	Mayfield	Trovillion
Bucher	Haridopolos	Maygarden	Wallace
Bullard	Harper	McGriff	Waters
Byrd	Harrell	Meadows	Weissman
Cantens	Harrington	Mealor	Wiles
Carassas	Hart	Melvin	Wilson
Clarke	Henriquez	Murman	Wishner
Crow	Heyman	Needelman	
Cusack	Hogan	Negron	

Nays—None

Votes after roll call:

Yeas—Bean

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

CS/HB 1343—A bill to be entitled An act relating to the Small County Technical Assistance Program; amending s. 163.01, F.S.; revising language with respect to the Florida Interlocal Cooperation Act of 1969; amending s. 163.05, F.S.; revising legislative findings; providing criteria

for contracts between the Commissioner of Agriculture and program providers; deleting responsibilities of the Comptroller and the Legislative Committee on Intergovernmental Relations; authorizing the Commissioner of Agriculture to award contracts to provide assistance to small counties; requiring the Commissioner of Agriculture to provide fiscal oversight and performance reviews; providing an appropriation; providing an effective date.

—was read the third time by title.

Representative(s) Stansel and Melvin offered the following:

(Amendment Bar Code: 124043)

Amendment 2—On page 5, line 4 of the bill

after “provision”, insert: *to finance facilities on behalf of any person other than the entity created pursuant to this section*

Rep. Stansel moved the adoption of the amendment, which was adopted by the required two-thirds vote.

Representative(s) Gibson offered the following:

(Amendment Bar Code: 043227)

Amendment 3 (with title amendment)—On page 9, between lines 4 and 5,

insert:

Section 3. Subsection (8) of section 336.025, Florida Statutes, is amended to read:

336.025 County transportation system; levy of local option fuel tax on motor fuel and diesel fuel.—

(8) In addition to the uses specified in subsection (7), the governing body of a county with a population of 50,000 or less on April 1, 1992, *or a municipality within such county*, may use the proceeds of the tax levied pursuant to paragraph (1)(a) in any fiscal year to fund infrastructure projects, if such projects are consistent with the local government’s approved comprehensive plan or, if the approval or denial of the plan has not become final, consistent with the plan last submitted to the state land planning agency. In addition, no more than an amount equal to the proceeds from 4 cents per gallon of the tax imposed pursuant to paragraph (1)(a) may be used by such county for the express and limited purpose of paying for a court-ordered refund of special assessments. Except as provided in subsection (7), such funds shall not be used for the operational expenses of any infrastructure. Such funds may be used for infrastructure projects under this subsection only after the local government, prior to the fiscal year in which the funds are proposed to be used, or if pledged for bonded indebtedness, prior to the fiscal year in which the bonds will be issued, has held a duly noticed public hearing on the proposed use of the funds and has adopted a resolution certifying that the local government has met all of the transportation needs identified in its approved comprehensive plan or, if the approval or denial of the plan has not become final, consistent with the plan last submitted to the state land planning agency. The proceeds shall not be pledged for bonded indebtedness for a period exceeding 10 years, except that, for the express and limited purpose of using such proceeds in any fiscal year to pay a court-ordered refund of special assessments, the proceeds may be pledged for bonded indebtedness not exceeding 15 years. For the purposes of this subsection, “infrastructure” has the same meaning as provided in s. 212.055.

And the title is amended as follows:

On page 1, line 16, after the semicolon,

insert: amending s. 336.025, F.S.; providing for certain municipalities within small counties to use gas tax revenues for certain infrastructure projects;

Rep. Gibson moved the adoption of the amendment, which was adopted by the required two-thirds vote.

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

Representative(s) Attkisson offered the following:

(Amendment Bar Code: 512995)

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

and insert: water reuse facilities, which may serve populations within but not ~~or~~ outside of the members of the entity *unless the governing body of the county or municipality where the population to be served is located grants the entity permission to provide service within the boundaries of that county or municipality and the county in which the facilities are located assumes rate-setting jurisdiction over the facilities or delegates such jurisdiction to the Florida Public Service Commission.* Notwithstanding s. 367.171(7), *except as provided in this paragraph*, any separate legal entity created under this

Rep. Attkisson moved the adoption of the amendment, which was adopted by the required two-thirds vote.

The question recurred on the passage of CS/HB 1343. The vote was:

Session Vote Sequence: 1145

Yeas—111

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

Nays—5

Henriquez	Justice	Peterman	Romeo
Joyner			

Votes after roll call:

Yeas—Bendross-Mindingall, Fields

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

CS for SB 434—A bill to be entitled An act providing for the submission of current information for the preparation of jury lists; amending s. 40.011, F.S.; requiring the Department of Highway Safety and Motor Vehicles to periodically deliver jury lists to the clerks of circuit courts; amending s. 40.022, F.S.; requiring the Department of Law Enforcement to establish procedures for submitting certain information; amending s. 322.051, F.S.; requiring applications for identification cards issued by the Department of Highway Safety and Motor Vehicles to specify the county of residence; amending s. 322.08,

F.S.; requiring applications for driver's licenses to specify the county of residence; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 1146

Yeas—114

The Chair	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	Rich
Atwater	Evers	Joyner	Richardson
Ausley	Farkas	Justice	Ritter
Baker	Fasano	Kallinger	Romeo
Barreiro	Feeney	Kendrick	Ross
Bean	Fields	Kilmer	Rubio
Bendross-Mindingall	Fiorentino	Kosmas	Russell
Bennett	Flanagan	Kottkamp	Ryan
Bense	Frankel	Kravitz	Seiler
Benson	Gannon	Kyle	Simmons
Berfield	Garcia	Lacasa	Siplin
Betancourt	Gardiner	Lee	Slosberg
Bilirakis	Gelber	Lerner	Smith
Bowen	Gibson	Littlefield	Sobel
Brown	Goodlette	Lynn	Sorensen
Brummer	Gottlieb	Machek	Stansel
Brutus	Green	Mack	Trovillion
Bucher	Greenstein	Mahon	Wallace
Bullard	Haridopolos	Mayfield	Weissman
Byrd	Harper	Maygarden	Wiles
Cantens	Harrell	McGriff	Wilson
Carassas	Harrington	Meadows	Wishner
Clarke	Hart	Melvin	
Crow	Henriquez	Murman	

Nays—None

Votes after roll call:

Yeas—Mealor, Prieguez, Spratt, Waters

Yeas to Nays—Waters

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

CS/HB 749—A bill to be entitled An act relating to state lands; amending s. 253.002, F.S.; providing for certain duties of the Department of Agriculture and Consumer Services; amending s. 253.01, F.S.; revising the use of funds deposited into the Internal Improvement Trust Fund; deleting obsolete language; amending s. 253.02, F.S.; effective January 7, 2003, revising the membership of the Board of Trustees of the Internal Improvement Trust Fund to conform to the requirements of the State Constitution; amending s. 253.03, F.S.; revising conditions under which the Board of Trustees of the Internal Improvement trust Fund is vested and charged with certain responsibilities for current and future state-owned lands to delete duplicative language; amending s. 201.15, F.S.; providing an appropriation to the Conservation and Recreation Lands Program Trust Fund beginning in fiscal year 2003-2004; amending s. 570.207, F.S. authorizing the department's use of funds deposited into the Conservation and Recreation Lands Program Trust Fund; amending s. 570.70, F.S.; providing conclusions of a study conducted by the department; providing effective dates.

—was read the third time by title.

Representative(s) Dockery offered the following:

(Amendment Bar Code: 594521)

Amendment 2 (with title amendment)—On page 6, line 3 thru page 7 line 15

remove: all of said lines

And the title is amended as follows:

On page 1, lines 12 thru 18
remove: all of said lines

and insert: the State Constitution; amending s. 201.15, F.S.; providing an

Rep. Dockery moved the adoption of the amendment, which was adopted by the required two-thirds vote.

The question recurred on the passage of CS/HB 749. The vote was:

Session Vote Sequence: 1147

Yeas—116

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

Nays—None

Votes after roll call:

Yeas—Ryan, Spratt

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

HJR 829—A joint resolution proposing an amendment to Section 3 of Article VII of the State Constitution, relating to finance and taxation, to authorize the Legislature to exempt specific types of tangible personal property from ad valorem taxation or ad valorem tax administration, appraisal, and collection requirements and procedures, or both, under certain circumstances and creating Section 26 of Article XII of the State Constitution, relating to scheduling an effective date for such amendment.

—was read the third time by title.

Representative(s) Johnson offered the following:

(Amendment Bar Code: 392149)

Amendment 2 (with title amendment)—On page 1, line 17, through page 4, line 13,
remove: all of said lines,
and insert:

That the amendments to Section 3 of Article VII of the State Constitution and the creation of Section 26 of Article XII of the State Constitution as set forth below are agreed to and shall be submitted to the electors of Florida for approval or rejection at the general election to be held in November 2002:

ARTICLE VII
FINANCE AND TAXATION

SECTION 3. Taxes; exemptions.—

(a) All property owned by a municipality or special district and used exclusively by it for municipal or public purposes or special district or public purposes, respectively, shall be exempt from taxation. A municipality, owning property outside the municipality, may be required by general law to make payment to the taxing unit in which the property is located. Such portions of property as are used predominantly for educational, literary, scientific, religious or charitable purposes may be exempted by general law from taxation.

(b) There shall be exempt from taxation, cumulatively, to every head of a family residing in this state, household goods and personal effects to the value fixed by general law, not less than one thousand dollars, and to every widow or widower or person who is blind or totally and permanently disabled, property to the value fixed by general law not less than five hundred dollars.

(c) Any county or municipality may, for the purpose of its respective tax levy and subject to the provisions of this subsection and general law, grant community and economic development ad valorem tax exemptions to new businesses and expansions of existing businesses, as defined by general law. Such an exemption may be granted only by ordinance of the county or municipality, and only after the electors of the county or municipality voting on such question in a referendum authorize the county or municipality to adopt such ordinances. An exemption so granted shall apply to improvements to real property made by or for the use of a new business and improvements to real property related to the expansion of an existing business and shall also apply to tangible personal property of such new business and tangible personal property related to the expansion of an existing business. The amount or limits of the amount of such exemption shall be specified by general law. The period of time for which such exemption may be granted to a new business or expansion of an existing business shall be determined by general law. The authority to grant such exemption shall expire ten years from the date of approval by the electors of the county or municipality, and may be renewable by referendum as provided by general law.

(d) By general law and subject to conditions specified therein, there may be granted an ad valorem tax exemption to a renewable energy source device and to real property on which such device is installed and operated, to the value fixed by general law not to exceed the original cost of the device, and for the period of time fixed by general law not to exceed ten years.

(e) Any county or municipality may, for the purpose of its respective tax levy and subject to the provisions of this subsection and general law, grant historic preservation ad valorem tax exemptions to owners of historic properties. This exemption may be granted only by ordinance of the county or municipality. The amount or limits of the amount of this exemption and the requirements for eligible properties must be specified by general law. The period of time for which this exemption may be granted to a property owner shall be determined by general law.

(f) If the legislature determines that it is not economically cost-effective to appraise the value of, or administer, assess, levy, and collect ad valorem taxes on, specific types of tangible personal property, the legislature, by general law, may exempt such property from ad valorem taxation or from the uniform requirements and procedures of ad valorem tax administration, appraisal, and collection, or both.

ARTICLE XII
SCHEDULE

SECTION 26. Exemptions from ad valorem taxes or ad valorem requirements and procedures for specific types of tangible personal

property.—*The amendments to Section 3 of Article VII, relating to exempting special district property from ad valorem taxation and exempting specific types of tangible personal property from ad valorem taxation or from the uniform requirements and procedures of ad valorem tax administration, appraisal, and collection, or both, shall take effect January 1, 2003.*

BE IT FURTHER RESOLVED that in accordance with the requirements of section 101.161, Florida Statutes, the substance of the amendment proposed herein shall appear on the ballot as follows:

AD VALOREM TAXES: EXEMPTION FOR SPECIAL DISTRICT PROPERTY USED FOR DISTRICT OR PUBLIC PURPOSES AND EXEMPTION OR SPECIAL TREATMENT FOR SPECIFIC TYPES OF TANGIBLE PERSONAL PROPERTY

Proposing amendments to Section 3 of Article VII of the State Constitution to exempt from ad valorem taxation property owned by a special district and used exclusively by it for special district or public purposes and to authorize the Legislature, by

And the title is amended as follows:

On page 1, lines 2-13,
remove: all of said lines,

and insert: A joint resolution proposing amendments to Section 3 of Article VII of the State Constitution, relating to finance and taxation, to exempt from ad valorem taxation special district property used exclusively for special district or public purposes and to authorize the Legislature to exempt specific types of tangible personal property from ad valorem taxation or ad valorem tax administration, appraisal, and collection requirements and procedures, or both, under certain circumstances and creating Section 26 of Article XII of the State Constitution, relating to scheduling an effective date for such amendments.

Rep. Johnson moved the adoption of the amendment, which was adopted by the required two-thirds vote.

The question recurred on the passage of HJR 829, which now reads as follows:

HJR 829—A joint resolution proposing amendments to Section 3 of Article VII of the State Constitution, relating to finance and taxation, to exempt from ad valorem taxation special district property used exclusively for special district or public purposes and to authorize the Legislature to exempt specific types of tangible personal property from ad valorem taxation or ad valorem tax administration, appraisal, and collection requirements and procedures, or both, under certain circumstances and creating Section 26 of Article XII of the State Constitution, relating to scheduling an effective date for such amendments.

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

That the amendments to Section 3 of Article VII of the State Constitution and the creation of Section 26 of Article XII of the State Constitution as set forth below are agreed to and shall be submitted to the electors of Florida for approval or rejection at the general election to be held in November 2002:

**ARTICLE VII
FINANCE AND TAXATION**

SECTION 3. Taxes; exemptions.—

(a) All property owned by a municipality *or special district* and used exclusively by it for municipal or public purposes *or special district or public purposes, respectively*, shall be exempt from taxation. A municipality, owning property outside the municipality, may be required by general law to make payment to the taxing unit in which the property is located. Such portions of property as are used predominantly for educational, literary, scientific, religious or charitable purposes may be exempted by general law from taxation.

(b) There shall be exempt from taxation, cumulatively, to every head of a family residing in this state, household goods and personal effects

to the value fixed by general law, not less than one thousand dollars, and to every widow or widower or person who is blind or totally and permanently disabled, property to the value fixed by general law not less than five hundred dollars.

(c) Any county or municipality may, for the purpose of its respective tax levy and subject to the provisions of this subsection and general law, grant community and economic development ad valorem tax exemptions to new businesses and expansions of existing businesses, as defined by general law. Such an exemption may be granted only by ordinance of the county or municipality, and only after the electors of the county or municipality voting on such question in a referendum authorize the county or municipality to adopt such ordinances. An exemption so granted shall apply to improvements to real property made by or for the use of a new business and improvements to real property related to the expansion of an existing business and shall also apply to tangible personal property of such new business and tangible personal property related to the expansion of an existing business. The amount or limits of the amount of such exemption shall be specified by general law. The period of time for which such exemption may be granted to a new business or expansion of an existing business shall be determined by general law. The authority to grant such exemption shall expire ten years from the date of approval by the electors of the county or municipality, and may be renewable by referendum as provided by general law.

(d) By general law and subject to conditions specified therein, there may be granted an ad valorem tax exemption to a renewable energy source device and to real property on which such device is installed and operated, to the value fixed by general law not to exceed the original cost of the device, and for the period of time fixed by general law not to exceed ten years.

(e) Any county or municipality may, for the purpose of its respective tax levy and subject to the provisions of this subsection and general law, grant historic preservation ad valorem tax exemptions to owners of historic properties. This exemption may be granted only by ordinance of the county or municipality. The amount or limits of the amount of this exemption and the requirements for eligible properties must be specified by general law. The period of time for which this exemption may be granted to a property owner shall be determined by general law.

(f) *If the legislature determines that it is not economically cost-effective to appraise the value of, or administer, assess, levy, and collect ad valorem taxes on, specific types of tangible personal property, the legislature, by general law, may exempt such property from ad valorem taxation or from the uniform requirements and procedures of ad valorem tax administration, appraisal, and collection, or both.*

**ARTICLE XII
SCHEDULE**

SECTION 26. Exemptions from ad valorem taxes or ad valorem requirements and procedures for specific types of tangible personal property.—*The amendments to Section 3 of Article VII, relating to exempting special district property from ad valorem taxation and exempting specific types of tangible personal property from ad valorem taxation or from the uniform requirements and procedures of ad valorem tax administration, appraisal, and collection, or both, shall take effect January 1, 2003.*

BE IT FURTHER RESOLVED that in accordance with the requirements of section 101.161, Florida Statutes, the substance of the amendment proposed herein shall appear on the ballot as follows:

AD VALOREM TAXES: EXEMPTION FOR SPECIAL DISTRICT PROPERTY USED FOR DISTRICT OR PUBLIC PURPOSES AND EXEMPTION OR SPECIAL TREATMENT FOR SPECIFIC TYPES OF TANGIBLE PERSONAL PROPERTY

Proposing amendments to Section 3 of Article VII of the State Constitution to exempt from ad valorem taxation property owned by a special district and used exclusively by it for special district or public purposes and to authorize the Legislature, by general law, to exempt specific types of tangible personal property from ad valorem taxation or from the uniform requirements and procedures of ad valorem tax

administration, appraisal, and collection, or both, if the appraisal of, or administration, assessment, levy, and collection of, ad valorem taxes on such property is not economically cost-effective, to take effect January 1, 2003, if approved by the electorate.

The vote was:

Session Vote Sequence: 1148

Yeas—116

The Chair	Crow	Hogan	Negron
Alexander	Cusack	Holloway	Paul
Allen	Davis	Jennings	Peterman
Andrews	Detert	Johnson	Pickens
Argenziano	Diaz-Balart	Jordan	Prieguez
Arza	Dockery	Joyner	Rich
Attkisson	Evers	Justice	Richardson
Atwater	Farkas	Kallinger	Ritter
Ausley	Fasano	Kendrick	Romeo
Baker	Feeney	Kilmer	Ross
Barreiro	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	Sobel
Bowen	Goodlette	Mack	Sorensen
Brown	Gottlieb	Mahon	Spratt
Brummer	Green	Mayfield	Stansel
Brutus	Greenstein	Maygarden	Trovillion
Bucher	Haridopolos	McGriff	Wallace
Bullard	Harper	Meadows	Waters
Byrd	Harrington	Mealor	Weissman
Cantens	Hart	Melvin	Wiles
Carassas	Henriquez	Murman	Wilson
Clarke	Heyman	Needelman	Wishner

Nays—None

Votes after roll call:

Yeas—Diaz de la Portilla, Harrell

So the joint resolution passed, as amended, by the required constitutional three-fifths vote of the membership and was immediately certified to the Senate after engrossment.

CS/HB 661—A bill to be entitled An act relating to vehicle title certificates; amending s. 319.30, F.S.; redefining the term “total loss”; creating s. 319.41, F.S.; providing for a searchable database of title history; providing effective dates.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 1149

Yeas—117

The Chair	Bennett	Cantens	Fiorentino
Alexander	Bense	Carassas	Flanagan
Allen	Benson	Clarke	Frankel
Andrews	Berfield	Crow	Gannon
Argenziano	Betancourt	Cusack	Garcia
Arza	Bilirakis	Davis	Gardiner
Attkisson	Bowen	Detert	Gelber
Atwater	Brown	Diaz-Balart	Gibson
Ausley	Brummer	Dockery	Goodlette
Baker	Brutus	Evers	Gottlieb
Barreiro	Bucher	Farkas	Green
Bean	Bullard	Fasano	Greenstein
Bendross-Mindingall	Byrd	Fields	Haridopolos

Harper	Kottkamp	Murman	Siplin
Harrell	Kravitz	Needelman	Slosberg
Harrington	Kyle	Negron	Smith
Hart	Lacasa	Paul	Sobel
Henriquez	Lee	Peterman	Sorensen
Heyman	Lerner	Pickens	Spratt
Hogan	Littlefield	Prieguez	Stansel
Holloway	Lynn	Rich	Trovillion
Jennings	Machek	Richardson	Wallace
Johnson	Mack	Ritter	Waters
Jordan	Mahon	Romeo	Weissman
Joyner	Mayfield	Ross	Wiles
Justice	Maygarden	Rubio	Wilson
Kallinger	McGriff	Russell	Wishner
Kendrick	Meadows	Ryan	
Kilmer	Mealor	Seiler	
Kosmas	Melvin	Simmons	

Nays—None

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

CS/HB 851—A bill to be entitled An act relating to solid waste management; amending s. 212.20, F.S.; providing for transfer of certain sales tax proceeds to the Ecosystem Management and Restoration Trust Fund, rather than to the Solid Waste Management Trust Fund; providing uses of such funds; amending s. 403.703, F.S.; correcting cross references; amending s. 403.705, F.S.; deleting the requirement that the state solid waste management program be updated every 3 years; requiring the Department of Environmental Protection to obtain certain information from the counties and to prepare periodic reports; deleting an annual reporting requirement; amending s. 403.706, F.S.; requiring counties to implement a recyclable materials recycling program; revising the requirements for the counties’ recycling program; deleting certain notice requirements relating to counties providing the opportunity to recycle; modifying provisions relating to the information counties must provide to the department regarding their solid waste management program and recycling activities; amending s. 403.7061, F.S.; correcting a cross reference; amending s. 403.707, F.S.; providing requirements for disposal of construction and demolition debris at a solid waste disposal facility; clarifying what is not a solid waste facility; amending s. 403.709, F.S.; revising uses of moneys in the Solid Waste Management Trust Fund; providing funding for research and training programs; providing funding to the Department of Agriculture and Consumer Services for mosquito control; providing funding to the Department of Transportation for litter prevention; providing funding for a solid waste grant program, including recycling and waste tire reduction; authorizing the department to recover funds under certain circumstances; authorizing the department to impose liens under certain circumstances; amending s. 403.7095, F.S.; revising requirements and procedures relating to the solid waste management grant program; requiring the department to evaluate and prioritize grant proposals and submit a prioritized list to the Governor and Legislature as part of its annual budget request; providing funding for small county grants; providing funding for waste tire grants; providing funding for competitive and innovative grants; authorizing the department to adopt rules to administer the grant program; amending s. 403.717, F.S.; deleting references and cross references relating to the waste tire grants program; amending s. 403.718, F.S.; eliminating the waste tire account within the Solid Waste Management Trust Fund; creating the Water Quality Improvement and Water Restoration Grant Program, to be administered by the department; specifying eligible grant recipients and criteria for evaluation of grant proposals; requiring the department to evaluate grant proposals and submit a list to the Governor and Legislature as part of its annual budget request; providing for funding of projects to assist financially disadvantaged small local governments; creating a process for department review of projects submitted for funding through the legislative process; authorizing the department to adopt rules to administer the grant program; repealing s. 403.7085, F.S., relating to the disposal of animal parts and fats and certain other waste products; repealing s. 403.7165, F.S., relating to the Applications Demonstration Center for Resource Recovery from Solid Organic Materials; repealing s. 403.7175, F.S.,

relating to an annual transfer from the General Revenue Fund; repealing s. 403.719, F.S., relating to the grant program for the collection, removal, processing, and recycling of waste tires; providing effective dates.

—was read the third time by title.

Representative(s) Murman offered the following:

(Amendment Bar Code: 531275)

Amendment 2—On page 28, line 16, after the period of the bill

insert:

Of the remaining funds distributed to counties having a population of 100,000 or greater, the department shall distribute those funds on the basis of population.

Rep. Murman moved the adoption of the amendment, which was adopted by the required two-thirds vote.

The question recurred on the passage of CS/HB 851. The vote was:

Session Vote Sequence: 1150

Yeas—116

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

Nays—None

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

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 third time by title. On passage, the vote was:

Session Vote Sequence: 1151

Yeas—115

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

Nays—None

Votes after roll call:

Yeas—Andrews, Diaz de la Portilla, Fiorentino

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

CS/CS/HB 399—A bill to be entitled An act relating to the Florida Mobile Home Act; amending s. 723.037, F.S.; providing for a meeting between the park owner and a committee of affected mobile home owners with respect to certain lot rental amount increases; amending s. 723.06116, F.S.; correcting cross references; requiring that certain payments by a mobile home park be made to the Florida Mobile Home Relocation Corporation rather than the Department of Business and Professional Regulation; amending s. 723.0612, F.S.; increasing the time period for the corporation to provide copies of certain approvals; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 1152

Yeas—118

The Chair	Benson	Cusack	Gardiner
Alexander	Berfield	Davis	Gelber
Allen	Betancourt	Detert	Gibson
Andrews	Bilirakis	Diaz de la Portilla	Goodlette
Argenziano	Bowen	Diaz-Balart	Gottlieb
Arza	Brown	Dockery	Green
Attkisson	Brummer	Evers	Greenstein
Atwater	Brutus	Farkas	Haridopolos
Ausley	Bucher	Fasano	Harper
Baker	Bullard	Fields	Harrell
Barreiro	Byrd	Fiorentino	Harrington
Bean	Cantens	Flanagan	Hart
Bendross-Mindingall	Carassas	Frankel	Henriquez
Bennett	Clarke	Gannon	Heyman
Bense	Crow	Garcia	Hogan

Holloway	Lerner	Paul	Slosberg
Jennings	Littlefield	Peterman	Smith
Johnson	Lynn	Pickens	Sobel
Jordan	Machek	Prieguez	Sorensen
Joyner	Mack	Rich	Spratt
Justice	Mahon	Richardson	Stansel
Kallinger	Mayfield	Ritter	Trovillion
Kendrick	Maygarden	Romeo	Wallace
Kilmer	McGriff	Ross	Waters
Kosmas	Meadows	Rubio	Weissman
Kottkamp	Mealor	Russell	Wiles
Kravitz	Melvin	Ryan	Wilson
Kyle	Murman	Seiler	Wishner
Lacasa	Needelman	Simmons	
Lee	Negron	Siplin	

Nays—None

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

CS/HB 393—A bill to be entitled An act relating to motor vehicle financial responsibility; amending ss. 324.031 and 324.032, F.S.; increasing certain limits of financial responsibility; specifying effect; providing an effective date.

—was read the third time by title.

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

Representative(s) Simmons, Brown, and Waters offered the following:

(Amendment Bar Code: 752503)

Amendment 1 (with title amendment)—On page 2, line 11 through page 3, line 25 remove: all of said lines

and insert: of limits of \$10,000/20,000/10,000 or \$30,000 combined single limits, and such excess insurance shall provide minimum limits of \$125,000/250,000/50,000 ~~\$50,000/100,000/50,000~~ or \$300,000 ~~\$150,000~~ combined single limits. *These increased limits shall not affect the requirements for proving financial responsibility under s. 324.032(1).*

Section 2. Subsection (1) of section 324.032, Florida Statutes, is amended to read:

324.032 Manner of proving financial responsibility; for-hire passenger transportation vehicles.—

(1) Notwithstanding the provisions of s. 324.031, a person who is either the owner or a lessee required to maintain insurance under s. 324.021(9)(b) and who operates at least 300 taxicabs, limousines, jitneys, or any other for-hire passenger transportation vehicles may prove financial responsibility by satisfying the following:

(a) Furnishing satisfactory evidence of holding a motor vehicle liability policy as defined in s. 324.031; or

(b) Complying with the provisions of s. 324.171, such compliance to be demonstrated by maintaining at its principal place of business an audited financial statement, prepared in accordance with generally accepted accounting principles, and providing to the department a certification issued by a certified public accountant that the applicant's net worth is at least equal to the requirements of s. 324.171 as determined by the Department of Insurance, including claims liabilities in an amount certified as adequate by a Fellow of the Casualty Actuarial Society.

Upon request by the department, the applicant must provide the department at the applicant's principal place of business in this state access to the applicant's underlying financial information and financial statements that provide the basis of the certified public accountant's certification. The applicant shall reimburse the requesting department for all reasonable costs incurred by it in reviewing the supporting information. The maximum amount of self-insurance permissible under

this subsection is ~~\$300,000~~ \$100,000 and must be stated on a per-occurrence basis, and the applicant shall maintain adequate excess insurance issued by an authorized or eligible insurer licensed or approved by the Department of Insurance. All risks self-insured shall remain with the owner or lessee providing it, and the risks are not transferable to any other person, unless a policy complying with paragraph (a) is obtained.

Section 3. Subsection (7) of section 627.7295, Florida Statutes, is amended to read:

627.7295 Motor vehicle insurance contracts.—

(7) A policy of private passenger motor vehicle insurance or a binder for such a policy may be initially issued in this state only if the insurer or agent has collected from the insured an amount equal to 2 months' premium. An insurer, agent, or premium finance company may not directly or indirectly take any action resulting in the insured having paid from the insured's own funds an amount less than the 2 months' premium required by this subsection. This subsection applies without regard to whether the premium is financed by a premium finance company or is paid pursuant to a periodic payment plan of an insurer or an insurance agent. This subsection does not apply if an insured or member of the insured's family is renewing or replacing a policy or a binder for such policy written by the same insurer or a member of the same insurer group. This subsection does not apply to an insurer that issues private passenger motor vehicle coverage primarily to active duty or former military personnel or their dependents. This subsection does not apply if all policy payments are paid pursuant to a payroll deduction plan or an automatic electronic funds transfer payment plan from the policyholder, provided that the first policy payment *may be* is made by cash, cashier's check, check, or a money order. This subsection and subsection (4) do not apply if all policy payments to an insurer are paid pursuant to an automatic electronic funds transfer payment plan from an agent or a managing general agent, *or if the policy is issued pursuant to the transfer of a private passenger motor vehicle insurance book of business by an agent from one insurer to another, provided that* ~~and if~~ the policy includes, at a minimum, personal injury protection pursuant to ss. 627.730-627.7405; motor vehicle property damage liability pursuant to s. 627.7275; and bodily injury liability in at least the amount of \$10,000 because of bodily injury to, or death of, one person in any one accident and in the amount of \$20,000 because of bodily injury to, or death of, two or more persons in any one accident. This subsection and subsection (4) do not apply if an insured has had a policy in effect for at least 6 months, the insured's agent is terminated by the insurer that issued the policy, and the insured obtains coverage on the policy's renewal date with a new company through the terminated agent.

And the title is amended as follows:

On page 1, remove: the entire title

and insert: A bill to be entitled An act relating to motor vehicle insurance; amending ss. 324.031 and 324.032, F.S.; increasing certain limits of financial responsibility; specifying effect; amending s. 627.7295, F.S.; clarifying an exception; providing an additional exception to a requirement that a minimum of 2 months' premium be collected to issue a policy or binder for motor vehicle insurance; providing an effective date.

Rep. Simmons moved the adoption of the amendment, which was adopted by the required two-thirds vote.

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

Representative(s) Simmons, Brown, and Waters offered the following:

(Amendment Bar Code: 642077)

Amendment 2 (with title amendment)—On page 3, between lines 25 & 26 of the bill

insert:

Section 3. Paragraph (b) of subsection (5) of section 627.736, Florida Statutes, is amended to read:

627.736 Required personal injury protection benefits; exclusions; priority; claims.—

(5) CHARGES FOR TREATMENT OF INJURED PERSONS.—

(b)1. An insurer or insured is not required to pay a claim made by a broker or by a person making a claim on behalf of a broker. *However, this sub-paragraph shall not be construed to require reimbursement for persons not otherwise reimbursable.*

2. Charges for medically necessary cephalic thermograms, peripheral thermograms, spinal ultrasounds, extremity ultrasounds, video fluoroscopy, and surface electromyography shall not exceed the maximum reimbursement allowance for such procedures as set forth in the applicable fee schedule or other payment methodology established pursuant to s. 440.13.

3. Allowable amounts that may be charged to a personal injury protection insurance insurer and insured for medically necessary nerve conduction testing when done in conjunction with a needle electromyography procedure and both are performed and billed solely by a physician licensed under chapter 458, chapter 459, chapter 460, or chapter 461 who is also certified by the American Board of Electrodiagnostic Medicine or by a board recognized by the American Board of Medical Specialties or the American Osteopathic Association or who holds diplomate status with the American Chiropractic Neurology Board or its predecessors or *the American Board of Chiropractic Orthopedics* shall not exceed 200 percent of the allowable amount under *the participating physician fee schedule of Medicare Part B for year 2001, in effect on June 19, 2001* for the area in which the treatment was rendered, adjusted annually in *February of each year, beginning with February 2003*, by an additional amount equal to the *prior year's annual Medical Care Item of the Consumer Price Index for All Urban Consumers as determined by the Bureau of Labor Statistics of the United States Department of Labor* ~~medical Consumer Price Index for Florida.~~

4. Allowable amounts that may be charged to a personal injury protection insurance insurer and insured for medically necessary nerve conduction testing that does not meet the requirements of subparagraph 3. shall not exceed the applicable fee schedule or other payment methodology established pursuant to s. 440.13.

5. ~~From June 19, 2001 Effective upon this act becoming a law and before November 1, 2001, allowable amounts that may be charged to a personal injury protection insurance insurer and insured for magnetic resonance imaging services shall not exceed 200 percent of the allowable amount under the participating physician fee schedule of Medicare Part B for year 2001 in effect on June 19, 2001, for the area in which the treatment was rendered. Beginning November 1, 2001, allowable amounts that may be charged to a personal injury protection insurance insurer and insured for magnetic resonance imaging services shall not exceed 175 percent of the allowable amount under the participating physician fee schedule of Medicare Part B for year 2001 in effect on June 19, 2001, for the area in which the treatment was rendered, adjusted annually in February of each year, beginning with February 2003, by an additional amount equal to the prior year's annual Medical Care Item of the Consumer Price Index for All Urban Consumers as determined by the Bureau of Labor Statistics of the United States Department of Labor~~ ~~medical Consumer Price Index for Florida~~, except that allowable amounts that may be charged to a personal injury protection insurance insurer and insured for magnetic resonance imaging services provided in facilities accredited by the American College of Radiology or the Joint Commission on Accreditation of Healthcare Organizations shall not exceed 200 percent of the allowable amount under *the participating physician fee schedule of Medicare Part B for year 2001 in effect on June 19, 2001*, for the area in which the treatment was rendered, adjusted annually in *February of each year, beginning with February 2003*, by an additional amount equal to the *prior year's annual Medical Care Item of the Consumer Price Index for All Urban Consumers as determined by the Bureau of Labor Statistics of the United States Department of Labor* ~~medical Consumer Price Index for Florida~~. This paragraph does not

apply to charges for magnetic resonance imaging services and nerve conduction testing for inpatients and emergency services and care as defined in chapter 395 rendered by facilities licensed under chapter 395.

And the title is amended as follows:

On page 1, line 5

after "effect;"; insert: amending s. 627.736, F.S.; revising provisions for charges for treatment of injured persons;

Rep. Simmons moved the adoption of the amendment, which was adopted by the required two-thirds vote.

The question recurred on the passage of CS/HB 393. The vote was:

Session Vote Sequence: 1153

Yeas—116

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

Nays—2

Barreiro Fields

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

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 third time by title. On passage, the vote was:

Session Vote Sequence: 1154

Yeas—118

The Chair	Ausley	Berfield	Bullard
Alexander	Baker	Betancourt	Byrd
Allen	Barreiro	Bilirakis	Cantens
Andrews	Bean	Bowen	Carassas
Argenziano	Bendross-Mindingall	Brown	Clarke
Arza	Bennett	Brummer	Crow
Attkisson	Bense	Brutus	Cusack
Atwater	Benson	Bucher	Davis

Detert	Harper	Lerner	Ross
Diaz de la Portilla	Harrell	Littlefield	Rubio
Diaz-Balart	Harrington	Lynn	Russell
Dockery	Hart	Machek	Ryan
Evers	Henriquez	Mack	Seiler
Farkas	Heyman	Mahon	Simmons
Fasano	Hogan	Mayfield	Siplin
Feeney	Holloway	Maygarden	Slosberg
Fields	Jennings	McGriff	Smith
Fiorentino	Johnson	Meadows	Sobel
Flanagan	Jordan	Mealor	Sorensen
Frankel	Joyner	Melvin	Spratt
Gannon	Justice	Murman	Stansel
Garcia	Kallinger	Needelman	Trovillion
Gardiner	Kendrick	Negron	Wallace
Gelber	Kilmer	Paul	Waters
Gibson	Kosmas	Peterman	Weissman
Goodlette	Kottkamp	Prieguez	Wiles
Gottlieb	Kravitz	Rich	Wilson
Green	Kyle	Richardson	Wishner
Greenstein	Lacasa	Ritter	
Haridopolos	Lee	Romeo	

Nays—None

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

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 sunset; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 1155

Yeas—118

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

Nays—None

Votes after roll call:
Yeas—Diaz de la Portilla

So the bill passed, as amended, and was immediately certified to the Senate.

CS/HB 1299—A bill to be entitled An act relating to water supplies; amending s. 403.813, F.S.; revising language with respect to permits issued at district centers; amending s. 373.0831, F.S.; revising the criteria by which water supply development projects may receive priority consideration for funding assistance; amending s. 373.139, F.S.; clarifying that title information is not confidential and exempt; amending s. 373.236, F.S.; encouraging water conservation measures in the permitting of consumptive uses of water; amending s. 373.4135, F.S.; conforming language to changes made by the act; amending s. 373.414, F.S.; revising date for adoption by rule of a uniform mitigation assessment method for wetlands and other surface waters; clarifying scope of the rule; deleting a study and report; amending s. 378.212, F.S.; providing water resource enhancements as a basis for a variance from phosphate mining land reclamation requirements; amending s. 403.067, F.S.; authorizing the development of interim measures or best management practices for specified water bodies or segments for which total maximum daily loads or allocations have not yet been established; amending s. 403.1835, F.S.; providing for below-market interest rate loans for treatment of polluted water; providing for a public education program on state water resources; providing for a study of the feasibility of discharging reclaimed wastewater into canals in Southeast Florida; requiring reports; repealing s. 373.498, F.S., relating to the Water Resources Development Account; providing an effective date.

—was read the third time by title.

Representative(s) Greenstein offered the following:

(Amendment Bar Code: 164735)

Amendment 4 (with title amendment)—On page 25, between lines 19 and 20,

insert:

Section 12. Section 373.250, Florida Statutes, is amended to read:
373.250 Reuse of reclaimed water—

6. The Florida Department of Environmental Protection shall develop numeric pathogen standards and treatment requirements for reclaimed water.

And the title is amended as follows:

On page 2, line 3, after the semicolon,

and insert: requiring numeric standards and requirements for reclaimed water;

Rep. Greenstein moved the adoption of the amendment. Subsequently, **Amendment 4** was withdrawn.

Representative(s) Henriquez offered the following:

(Amendment Bar Code: 343011)

Amendment 5 (with title amendment)—On page 25, between lines 19 and 20,

insert:

Section 12. *It is the intent of the Legislature that a rapid and coordinated response to waterborne diseases be available to protect the health and ecosystems of Florida. The Department of Health, in collaboration with local health officials, shall maintain the capacity to detect and respond effectively to waterborne disease clusters, emerging threats, emergencies, and environmental outbreaks. This capacity shall build on existing functions performed by the Department of Health, which involve the collection of data by county concerning the prevalence and incidence of waterborne diseases. To augment the existing efforts, the Department of Health shall facilitate the collection of additional data*

through biomonitoring and other methods concerning the existence of relevant environmental factors and exposures related to waterborne diseases. This data shall be used to identify populations at high risk, examine health concerns, recognize related environmental factors, assess the efficacy of medical and intervention efforts, and establish prevention strategies.

And the title is amended as follows:

On page 2, line 3, after the semicolon,

and insert: requiring waterborne disease tracking system;

Rep. Henriquez moved the adoption of the amendment, which failed to receive the necessary two-thirds vote for adoption.

The question recurred on the passage of CS/HB 1299. The vote was:

Session Vote Sequence: 1156

Yeas—116

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

Nays—1

Lerner

Votes after roll call:

Yeas—Diaz de la Portilla, Rich

So the bill passed, as amended, and was immediately certified to the Senate.

Reconsideration of CS/HB 1841

On motion by Rep. Goodlette, the House reconsidered the vote by which **CS/HB 1841**, as amended, passed earlier today.

CS/HB 1841—A bill to be entitled An act relating to insurance company representatives; providing legislative findings and intent; creating s. 626.015, F.S.; providing definitions; creating s. 626.025, F.S.; requiring insurance agents to comply with certain consumer protection laws; amending s. 626.171, F.S.; requiring the department to accept a uniform application for nonresident agent licensing; creating s. 626.175, F.S.; providing for Department of Insurance issuance of temporary licenses under certain circumstances; providing requirements and procedures; providing for fees; creating s. 626.207, F.S.; requiring the

department to adopt rules establishing waiting periods for applicants for licensure under certain circumstances; authorizing the department to adopt rules providing for penalties for licensees under certain circumstances; amending s. 626.221, F.S.; exempting customer representatives and adjusters with certain designations, agents transferring their licenses from other states, and certain applicants for nonresident agent licensure from certain examination requirements under certain circumstances; amending s. 626.2815, F.S.; specifying additional continuing education requirements; creating s. 626.292, F.S.; providing requirements and procedures for certain agents licensed in other states to transfer their licenses to this state under certain circumstances; amending s. 626.301, F.S.; revising the form and content of licenses issued by the department; creating s. 626.536, F.S.; requiring agents to report to the department certain final dispositions of administrative actions taken against the agent; authorizing the department to adopt rules to implement the requirement; amending s. 626.551, F.S.; extending the time period allowed for licensees to notify the department of a change of address or name; providing for fines for failure to timely report such information to the department; creating ss. 626.7315, 626.7845, and 626.8305, F.S.; prohibiting engaging in specified general lines insurance activities, life insurance activities, or health insurance activities without a license; amending s. 626.732, F.S.; specifying additional requirements relating to knowledge, experience, or instruction for certain customer representatives and service representatives; specifying additional classroom and correspondence course instruction requirements; amending s. 626.738, F.S.; specifying cancellation of solicitor licenses and conversion to general lines insurance agent licenses; amending ss. 626.741, 626.792, and 626.835, F.S.; authorizing the department to issue a nonresident general lines agent, life agent, or health agent license to certain individuals under certain circumstances; authorizing the department to enter into reciprocal agreements with other states to waive certain examinations under certain circumstances; authorizing the department to verify the nonresident applicant's licensing status through a database; creating s. 626.7455, F.S.; prohibiting insurers from entering into agreements with unlicensed persons to manage certain business of the insurer; providing an exception; amending s. 626.785, F.S.; increasing a limitation on authorized final disposition or burial policies; amending ss. 626.7851 and 626.8311, F.S.; specifying additional classroom and correspondence course instruction requirements; amending s. 626.852, F.S.; exempting from insurance adjusters provisions persons adjusting only multiple-peril crop insurance or crop hail claims; amending s. 626.902, F.S.; increasing a criminal penalty for representing an unauthorized insurer; providing a penalty for subsequent violations; amending ss. 624.11, 624.509, 626.094, 626.112, 626.321, 626.727, 626.729, 626.730, 626.7454, 626.779, 626.790, 626.8411, 626.927, 626.992, 629.401, and 648.27, F.S., to conform; amending s. 626.032, F.S., relating to a definition of administrative agent; amending ss. 624.311, 624.523, 624.507, 626.0428, 626.141, 626.112, 626.171, 626.221, 626.2815, 626.321, 626.451, 626.511, 626.521, 626.561, 626.601, 626.611, 626.621, 626.641, 626.651, 626.730, 626.745, 626.9541, 627.776, 631.155, 631.341, 634.318, 641.37, and 642.041, F.S., to conform; repealing ss. 624.505(2), 626.727(2), 626.737, 626.738, and 626.862(2), F.S., to conform; repealing ss. 626.031, 626.041, 626.051, 626.062, 626.071, 626.072, 626.081, 626.091, 626.094, 626.101, 626.102, 626.103, and 626.104, F.S., relating to definitions; repealing ss. 626.736, 626.737, and 626.738, F.S., relating to solicitors; repealing s. 626.739, F.S., relating to certain temporary licenses; repealing s. 626.740, F.S., relating to certain temporary limited licenses; repealing ss. 626.790 and 626.791, F.S., relating to certain temporary licenses; providing effective dates.

The question recurred on the passage of CS/HB 1841.

On motion by Rep. Waters, by the required two-thirds vote, the House reconsidered the vote by which **Amendment 10** was adopted earlier today.

The question recurred on the adoption of **Amendment 10**, which was withdrawn.

The question recurred on the passage of CS/HB 1841. The vote was:

Session Vote Sequence: 1157

Yeas—119

The Chair	Cusack	Hogan	Negron
Alexander	Davis	Holloway	Paul
Allen	Detert	Jennings	Peterman
Andrews	Diaz de la Portilla	Johnson	Pickens
Argenziano	Diaz-Balart	Jordan	Prieguez
Arza	Dockery	Joyner	Rich
Attkisson	Evers	Justice	Richardson
Atwater	Farkas	Kallinger	Ritter
Ausley	Fasano	Kendrick	Romeo
Baker	Feeney	Kilmer	Ross
Barreiro	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	Sobel
Bowen	Goodlette	Machek	Sorensen
Brown	Gottlieb	Mack	Spratt
Brummer	Green	Mahon	Stansel
Brutus	Greenstein	Mayfield	Trovillion
Bucher	Haridopolos	Maygarden	Wallace
Bullard	Harper	McGriff	Waters
Byrd	Harrell	Meadows	Weissman
Cantens	Harrington	Mealor	Wiles
Carassas	Hart	Melvin	Wilson
Clarke	Henriquez	Murman	Wishner
Crow	Heyman	Needelman	

Nays—None

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

Motions

On motion by Rep. Goodlette, the rules were waived and **HB 357, CS for CS for SB's 662 & 232, and HB 1193** were added to the Special Order Calendar for Thursday, March 21.

On motion by Rep. Goodlette, consideration of **CS/HB 35** was temporarily postponed until Thursday, March 21.

On motion by Rep. Goodlette the rules were waived and consideration of **HB 151, HB 187, HB 369, HB 203, HB 301, HB 349, HB 359, HB 587, HB 425, HB 361, HB 37, HB 39, HB 61, HB 63, HB 85, HB 189, HB 225, HB 375, and HB 563** was temporarily postponed until Thursday, March 21.

On motion by Rep. Goodlette, the House moved to the consideration of CS/HB 793 on Bills and Joint Resolutions on Third Reading.

Continuation of Bills and Joint Resolutions on Third Reading

Bills for Consideration at 3:15 p.m.

On motion by Rep. Goodlette, consideration of **CS/HB 793** was temporarily postponed under Rule 11.10.

CS/HB 121—A bill to be entitled An act relating to corporate income tax; amending s. 220.15, F.S., which provides for apportionment of adjusted federal income to this state; revising the conditions for determining when sales of tangible personal property occur in this state for certain industries; amending s. 220.187, F.S.; expanding the definition of qualified student; repealing section 9 of ch. 2001-225, Laws of Florida, relating to an incorrect statute cross reference; repealing s. 220.331, F.S., relating to application of certain credits to estimated payments; providing for retroactive effect; providing an effective date.

—was read the third time by title.

REPRESENTATIVE CROW IN THE CHAIR

THE SPEAKER IN THE CHAIR

REPRESENTATIVE MAYGARDEN IN THE CHAIR

THE SPEAKER IN THE CHAIR

Rep. Wiles suggested the absence of a quorum. A quorum was present [Session Vote Sequence: 1158].

The question recurred on the passage of CS/HB 121. The vote was:

Session Vote Sequence: 1159

Yeas—59

The Chair	Brown	Harrington	Mealor
Alexander	Brummer	Hart	Melvin
Allen	Byrd	Hogan	Murman
Andrews	Cantens	Johnson	Needelman
Attkisson	Carassas	Jordan	Negron
Atwater	Davis	Kallinger	Paul
Baker	Evers	Kilmer	Prieguez
Ball	Farkas	Kottkamp	Ross
Barreiro	Fasano	Kravitz	Russell
Bean	Gardiner	Kyle	Simmons
Bennett	Gibson	Lacasa	Spratt
Bense	Goodlette	Littlefield	Trovillion
Berfield	Green	Mack	Wallace
Bilirakis	Haridopolos	Mahon	Waters
Bowen	Harrell	Mayfield	

Nays—49

Ausley	Frankel	Kendrick	Seiler
Bendross-Mindingall	Gannon	Kosmas	Siplin
Betancourt	Garcia	Lee	Slosberg
Brutus	Gelber	Lerner	Smith
Bucher	Gottlieb	Lynn	Sobel
Bullard	Greenstein	Machek	Stansel
Clarke	Harper	McGriff	Weissman
Crow	Henriquez	Meadows	Wiles
Cusack	Heyman	Peterman	Wilson
Detert	Holloway	Rich	Wishner
Fields	Jennings	Ritter	
Fiorentino	Joyner	Romeo	
Flanagan	Justice	Ryan	

Votes after roll call:

Yeas—Arza, Benson, Dockery

Nays—Pickens, Richardson

Nays to Yeas—Garcia

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

On motion by Rep. Hart, consideration of **CS/HB 1937** was temporarily postponed under Rule 11.10.

On motion by Rep. Goodlette, the House moved to the consideration of CS/HB 793 on Bills and Joint Resolutions on Third Reading.

CS/HB 793—A bill to be entitled An act relating to school system personnel; creating s. 231.265, F.S.; providing a penalty for instructional personnel and administrative personnel who have knowledge of sexual battery committed by a student upon another student and fail to report it; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 1160

Yeas—116

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

Nays—None

Votes after roll call:

Yeas—Diaz de la Portilla, Richardson

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

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 third time by title.

Representative(s) Wishner, Brutus, Ritter offered the following:

(Amendment Bar Code: 770185)

Amendment 3—On page 3, line 7, after the period

insert:

In order to prove such nonimmigrant classification, applicants may produce but are not limited to the following documents:

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

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

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

iv. 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.

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

vi. 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 or temporary permit for a period not to exceed the expiration date of the document presented or 2 years, whichever first occurs.

Rep. Brutus moved the adoption of the amendment, which was adopted by the required two-thirds vote.

The question recurred on the passage of CS for SB 520. The vote was:

Session Vote Sequence: 1161

Yeas—112

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

Nays—1

Baker

Votes after roll call:

Yeas—Bennett, Diaz de la Portilla, Haridopolos, Wilson

Nays to Yeas—Baker

So the bill passed, as amended, and was immediately certified to the Senate.

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 third time by title.

Rep. Greenstein moved that, under Rule 12.2(c), a late-filed amendment be allowed for consideration, which was not agreed to.

The question recurred on the passage of CS/HB 445. The vote was:

Session Vote Sequence: 1162

Yeas—47

The Chair	Davis	Jordan	Melvin
Alexander	Diaz-Balart	Kallinger	Murman
Allen	Dockery	Kilmer	Needelman
Arza	Evers	Kottkamp	Negron
Atwater	Farkas	Lacasa	Prieguez
Baker	Gardiner	Littlefield	Ross
Barreiro	Gibson	Lynn	Rubio
Bean	Green	Machek	Sorensen
Benson	Haridopolos	Mack	Spratt
Bowen	Hogan	Mahon	Wallace
Brown	Jennings	Mayfield	Waters
Clarke	Johnson	Mealor	

Nays—61

Argenziano	Fasano	Joyner	Romeo
Ausley	Fields	Justice	Russell
Ball	Flanagan	Kendrick	Ryan
Bendross-Mindingall	Frankel	Kosmas	Seiler
Bennett	Gannon	Kravitz	Siplin
Berfield	Garcia	Lee	Slosberg
Betancourt	Gelber	Lerner	Smith
Bilirakis	Goodlette	Maygarden	Sobel
Brummer	Gottlieb	McGriff	Stansel
Brutus	Greenstein	Meadows	Weissman
Bucher	Harper	Paul	Wiles
Bullard	Harrell	Peterman	Wilson
Carassas	Harrington	Pickens	Wishner
Crow	Henriquez	Rich	
Cusack	Heyman	Richardson	
Detert	Holloway	Ritter	

Votes after roll call:

Yeas—Andrews, Attkisson

Nays—Fiorentino

Yeas to Nays—Farkas, Green, Jennings, Lynn, Machek, Murman

Nays to Yeas—Lee

So the bill failed to pass.

HB 1647—A bill to be entitled An act relating to economic development; amending s. 288.125, F.S.; providing that the definition of “entertainment industry” extend to other sections; creating s. 288.1254, F.S.; creating a program under which certain producers of filmed entertainment and certain digital media effects, motion picture and television distribution, motion picture and television production, and post production companies may be reimbursed for expenditures made in this state; providing definitions; providing an application procedure and approval process; prescribing limits on reimbursement; requiring documentation justifying reimbursement requested; providing duties of the Office of Film and Entertainment and the Office of Tourism, Trade, and Economic Development; providing for rules; providing penalties for fraudulent claims for reimbursement; providing an effective date.

—was read the third time by title.

REPRESENTATIVE MAYGARDEN IN THE CHAIR

The question recurred on the passage of HB 1647. The vote was:

Session Vote Sequence: 1163

Yeas—117

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

Nays—None

So the bill passed, as amended, and was immediately certified to the Senate.

CS/HB 257—A bill to be entitled An act relating to administrative procedures; 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.

—was read the third time by title.

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

Representative(s) Spratt offered the following:

(Amendment Bar Code: 312417)

Amendment 2 (with title amendment)—On page 2, lines 3 thru 21 remove: all of said lines

And the title is amended as follows:

On page 1, lines 3 thru 5
remove: all of said lines

and insert: amending s. 57.111, F.S.;

Rep. Spratt moved the adoption of the amendment, which was adopted by the required two-thirds vote.

The question recurred on the passage of CS/HB 257. The vote was:

Session Vote Sequence: 1164

Yeas—94

The Chair	Bucher	Harper	Meadows
Alexander	Bullard	Harrington	Mealor
Allen	Byrd	Hart	Melvin
Andrews	Cantens	Henriquez	Murman
Argenziano	Carassas	Heyman	Needelman
Arza	Clarke	Hogan	Paul
Attkisson	Davis	Holloway	Pickens
Atwater	Detert	Jennings	Prieguez
Ausley	Diaz-Balart	Johnson	Richardson
Baker	Dockery	Jordan	Ritter
Ball	Evers	Kallinger	Ross
Barreiro	Farkas	Kendrick	Rubio
Bean	Fasano	Kilmer	Russell
Bendross-Mindingall	Feeney	Kottkamp	Seiler
Bennett	Fields	Kravitz	Simmons
Bense	Fiorentino	Kyle	Siplin
Benson	Flanagan	Lacasa	Sorensen
Berfield	Garcia	Lee	Spratt
Betancourt	Gardiner	Littlefield	Stansel
Bilirakis	Gelber	Lynn	Trovillion
Bowen	Gibson	Machek	Wallace
Brown	Goodlette	Mack	Waters
Brummer	Green	Mahon	
Brutus	Haridopolos	Mayfield	

Nays—24

Crow	Harrell	Negron	Smith
Cusack	Joyner	Peterman	Sobel
Frankel	Justice	Rich	Weissman
Gannon	Kosmas	Romeo	Wiles
Gottlieb	Lerner	Ryan	Wilson
Greenstein	McGriff	Slosberg	Wishner

Votes after roll call:

Yeas—Diaz de la Portilla

Yeas to Nays—Bucher, Harper

Nays to Yeas—Peterman, Smith

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

CS for CS for SB 108—A bill to be entitled An act relating to workers' compensation; amending s. 440.091, F.S.; specifying circumstances under which firefighters, emergency medical technicians, and paramedics are considered to be acting within the scope of their employment so as to qualify for workers' compensation benefits; providing a declaration of important state interest; providing an effective date.

—was read the third time by title.

Reconsideration

On motion by Rep. Ross, by the required two-thirds vote, the House reconsidered the vote by which **Amendment 2** was adopted (shown in the *Journal* on pages 1160-1167, March 13).

The question recurred on the adoption of **Amendment 2**.

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

Representative(s) Betancourt and Cantens offered the following:

(Amendment Bar Code: 613407)

Amendment 1 to Amendment 2—On page 7, lines 12-21,
remove: all of said lines,

and insert: *structure intended for commercial or industrial use as well as any accessory use structures constructed in conjunction with the principle structure. The term "commercial building" does not include the conversion of any existing residential building to a commercial building.*

(42) *"Residential building" means any building or structure intended for residential use and any structure intended as an*

Rep. Betancourt moved the adoption of the amendment to the amendment. Subsequently, **Amendment 1 to Amendment 2** was withdrawn.

Representative(s) Ross offered the following:

(Amendment Bar Code: 131521)

Amendment 2 to Amendment 2—On page 8, line 6 of the amendment

after "partner", insert: *actively engaged in the construction industry*

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

Representative(s) Ross offered the following:

(Amendment Bar Code: 912569)

Amendment 3 to Amendment 2 (with title amendment)—On page 14, lines 3-11

remove: all of said lines

and insert:

Section 7. Subsection (12) and paragraph (b) of subsection (14) of section 440.13, Florida Statutes, are amended to read:

(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 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.

(d) *In addition to establishing the uniform schedule of maximum reimbursement allowances, the panel shall:*

1. *Take testimony, receive records, and collect data to evaluate the adequacy of the workers' compensation fee schedule, nationally recognized fee schedules and alternative methods of reimbursement to certified health care providers and health care facilities for inpatient and outpatient treatment and care.*

2. *Survey certified health care providers and health care facilities to determine the availability and accessibility of workers' compensation health care delivery systems for injured workers.*

3. *Survey carriers to determine the estimated impact on carrier costs and workers' compensation premium rates by implementing changes to the carrier reimbursement schedule or implementing alternative reimbursement methods.*

4. *Submit recommendations on or before January 1, 2003, and biennially thereafter, to the President of the Senate and the Speaker of the House of Representatives on methods to improve the workers' compensation health care delivery system.*

The division shall provide data to the panel, including but not limited to utilization trends in the workers' compensation health care delivery system. The division shall provide the panel with an annual report regarding the resolution of medical reimbursement disputes and any actions pursuant to s. 440.13(8). The division shall provide administrative support and service to the panel to the extent requested by the panel.

(14) PAYMENT OF MEDICAL FEES.—

(b) Fees charged for remedial treatment, care, and attendance, *except for independent medical examinations*, may not exceed the applicable fee schedules adopted under this chapter.

And the title is amended as follows:

On page 33, line 23 of the amendment

after the semicolon, insert: providing for responsibilities of the three-member panel; requiring provision of data and support services by the division;

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: 580153)

Amendment 4 to Amendment 2 (with title amendment)—On page 14, between lines 11 & 12 of the amendment

insert:

Section 8. Paragraph (a) of subsection (2) of section 440.134, Florida Statutes, is amended to read:

440.134 Workers' compensation managed care arrangement.—

(2)(a) The *self-insured* employer or carrier may, subject to the terms and limitations specified elsewhere in this section and chapter, furnish to the employee solely through managed care arrangements such medically necessary remedial treatment, care, and attendance for such period as the nature of the injury or the process of recovery requires. *For any self-insured employer or carrier who elects to deliver the medical benefits required by this chapter through a method other than a workers' compensation managed care arrangement, the discontinuance of the use of the workers' compensation managed care arrangement shall be without regard to the date of the accident, notwithstanding any other provision of law or rule.*

And the title is amended as follows:

On page 33, line 24, of the amendment

after "fees;" insert: providing for discontinuance of medical care under a managed care plan regardless of the date of an accident;

Rep. Ross 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 by the required two-thirds vote.

Motion to Reconsider

Rep. Ross moved that the House reconsider the vote by which **Amendment 1** was adopted, which was not agreed to by the required two-thirds vote.

The question recurred on the passage of CS for CS for SB 108. The vote was:

Session Vote Sequence: 1165

Yeas—117

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

Nays—1

Melvin

Votes after roll call:

Yeas—Mack

So the bill passed, as amended, and was immediately certified to the Senate.

CS/HB 1119 was taken up. On motion by Rep. Heyman, the rules were waived and—

CS for SB 1772—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 include damage or destruction to agricultural production systems; providing for allowable damages; providing an exemption from liability; providing an effective date.

—was substituted for CS/HB 1119 and read the second time by title. Under Rule 5.15, the House bill was laid on the table.

THE SPEAKER IN THE CHAIR

On motion by Rep. Heyman, the rules were waived and CS for SB 1772 was read the third time by title. On passage, the vote was:

Session Vote Sequence: 1166

Yeas—118

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

Nays—None

Votes after roll call:

Yeas—Diaz de la Portilla

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

CS/CS/HB 571 was taken up. On motion by Rep. Ross, the rules were waived and—

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 SB 1554 and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Criminal Justice and Senator Silver—

CS for SB 1554—A bill to be entitled An act relating to transportation; amending s. 318.1451, F.S.; authorizing governmental entities and courts to prepare information concerning driver improvements schools; amending s. 318.21, F.S.; authorizing use of civil penalties to fund local law enforcement automation under certain circumstances; providing an effective date.

—was taken up, read the first time by title, and substituted for CS/CS/HB 571. Under Rule 5.15, the House bill was laid on the table. On motion by Rep. Ross, the rules were waived and CS for SB 1554 was read the second time by title and the third time by title. On passage, the vote was:

Session Vote Sequence: 1167

Yeas—113

The Chair	Allen	Arza	Atwater
Alexander	Argenziano	Attkisson	Ausley

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

Nays—None

Votes after roll call:

Yeas—Fiorentino, Harrington

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

Continuation of Bills and Joint Resolutions on Third Reading

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 third time by title.

Reconsideration

On motion by Rep. Needelman, by the required two-thirds vote, the House reconsidered the vote by which **Amendment 1** was adopted (shown in the *Journal* on page 1243, March 14). The question recurred on the adoption of the amendment, which was withdrawn.

The question recurred on the passage of CS for SB 2014. The vote was:

Session Vote Sequence: 1168

Yeas—113

The Chair	Baker	Bilirakis	Clarke
Alexander	Ball	Bowen	Crow
Allen	Barreiro	Brummer	Cusack
Andrews	Bean	Brutus	Davis
Argenziano	Bendross-Mindingall	Bucher	Detert
Arza	Bennett	Bullard	Diaz-Balart
Attkisson	Bense	Byrd	Dockery
Atwater	Benson	Cantens	Evers
Ausley	Betancourt	Carassas	Farkas

Fields	Hogan	Mayfield	Ryan
Fiorentino	Holloway	Maygarden	Seiler
Flanagan	Jennings	McGriff	Simmons
Frankel	Johnson	Meadows	Siplin
Gannon	Jordan	Mealor	Slosberg
Garcia	Joyner	Melvin	Smith
Gardiner	Justice	Murman	Sobel
Gelber	Kallinger	Needelman	Sorensen
Gibson	Kendrick	Negron	Spratt
Goodlette	Kilmer	Paul	Trovillion
Gottlieb	Kosmas	Peterman	Wallace
Green	Kottkamp	Pickens	Waters
Greenstein	Kravitz	Prieguez	Weissman
Haridopolos	Lacasa	Rich	Wiles
Harper	Lerner	Richardson	Wilson
Harrell	Littlefield	Ritter	Wishner
Harrington	Lynn	Romeo	
Hart	Machek	Ross	
Henriquez	Mack	Rubio	

Nays—None

Votes after roll call:

Yeas—Berfield, Brown, Diaz de la Portilla

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

HB 1573—A bill to be entitled An act relating to pari-mutuel wagering; 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; amending s. 550.334, F.S.; revising provisions relating to quarter horse races; specifying certain conditions of operation for permitholders shall not be applicable; amending s. 550.002, F.S.; revising a definition for “full schedule of live racing or games”; providing an effective date.

—was read the third time by title.

Representative(s) Fasano offered the following:

(Amendment Bar Code: 494815)

Amendment 2 (with title amendment)—On page 9, lines 19 through page 10, line 20, remove: all said lines

And the title is amended as follows:

On page 1, line 10 through line 12, remove: all said lines

and insert: not be applicable; providing an effective

Rep. Fasano moved the adoption of the amendment, which was adopted by the required two-thirds vote.

The question recurred on the passage of HB 1573. The vote was:

Session Vote Sequence: 1169

Yeas—106

The Chair	Bendross-Mindingall	Byrd	Fields
Alexander	Bennett	Cantens	Fiorentino
Allen	Bense	Carassas	Flanagan
Andrews	Benson	Clarke	Frankel
Argenziano	Berfield	Cusack	Gannon
Arza	Betancourt	Davis	Garcia
Attkisson	Bilirakis	Detert	Gelber
Atwater	Bowen	Diaz-Balart	Gibson
Ausley	Brown	Dockery	Goodlette
Ball	Brutus	Evers	Gottlieb
Barreiro	Bucher	Farkas	Green
Bean	Bullard	Fasano	Greenstein

Haridopolos	Kravitz	Murman	Siplin
Harper	Kyle	Needelman	Slosberg
Harrell	Lacasa	Negron	Smith
Harrington	Lee	Peterman	Sobel
Hart	Littlefield	Pickens	Sorensen
Henriquez	Lynn	Prieguez	Spratt
Heyman	Machek	Richardson	Stansel
Hogan	Mack	Ritter	Trovillion
Johnson	Mahon	Romeo	Wallace
Jordan	Mayfield	Ross	Waters
Joyner	Maygarden	Rubio	Weissman
Justice	McGriff	Russell	Wiles
Kallinger	Meadows	Ryan	Wishner
Kendrick	Mealor	Seiler	
Kosmas	Melvin	Simmons	

Nays—10

Baker	Gardiner	Kilmer	Paul
Brummer	Holloway	Kottkamp	Rich
Crow	Jennings		

Votes after roll call:

Yeas—Diaz de la Portilla

Yeas to Nays—Gottlieb, Negron

Nays to Yeas—Rich

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

CS/HB 789—A bill to be entitled An act relating to rural development; creating the Florida Rural Heritage and Economic Stimulus Act; providing legislative findings; providing definitions; providing for the designation of a Rural Heritage Area; providing for a community-based planning process; specifying guidelines for Rural Heritage Area plans; providing procedure for adoption of a plan; providing for economic incentives, reports, and technical assistance; creating the Rural Heritage Grant Program, to be administered by the Department of Community Affairs, to assist local governments in adopting Rural Heritage Areas; providing for priority of funding; requiring the Department of Community Affairs to adopt rules; providing for development of a micro-loan program for nature-based tourism and heritage tourism businesses; providing for wireless community-based network technology pilot programs to be recommended by the Department of Health; providing for pilot projects to encourage diversification of agricultural products and marketing to be recommended by the Department of Agriculture and Consumer Services; providing for review and evaluation by the Office of Program Policy Analysis and Government Accountability; amending s. 163.3187, F.S.; providing conditions for adoption of local comprehensive plan amendments for Rural Heritage Areas or Rural Activity Centers; amending s. 163.356, F.S.; authorizing specified municipalities to increase the number of commissioners appointed to the board of commissioners of the community redevelopment agency; amending s. 187.201, F.S.; modifying goals of the State Comprehensive Plan to include housing for specified persons in rural areas and development of nature-based tourism; providing a policy of fostering integrated and coordinated community-based planning efforts; providing support for rural communities in developing nature-based tourism and heritage tourism enterprises; providing support for landowners who wish their lands to remain in agricultural use; amending s. 420.507, F.S.; modifying powers of the Florida Housing Finance Corporation; amending ss. 420.5087 and 420.5088, F.S.; correcting cross references; providing that specified provisions are subject to appropriation or the availability of agency funds; providing an effective date.

—was read the third time by title.

Representative(s) Rubio and Cantens offered the following:

(Amendment Bar Code: 345351)

Amendment 2 (with title amendment)—On page 21, lines 6-17, remove: all of said lines

and insert:

Section 2. Paragraphs (c) and (i) of subsection (1) of section 163.3187, Florida Statutes, are amended, and paragraph (k) is added to said subsection, to read:

163.3187 Amendment of adopted comprehensive plan.—

(1) Amendments to comprehensive plans adopted pursuant to this part may be made not more than two times during any calendar year, except:

(c) Any local government comprehensive plan amendments directly related to proposed small scale development activities may be approved without regard to statutory limits on the frequency of consideration of amendments to the local comprehensive plan. A small scale development amendment may be adopted only under the following conditions:

1. The proposed amendment involves a use of 10 acres or fewer and:

a. The cumulative annual effect of the acreage for all small scale development amendments adopted by the local government shall not exceed:

(I) A maximum of 120 acres in a local government that contains areas specifically designated in the local comprehensive plan for urban infill, urban redevelopment, or downtown revitalization as defined in s. 163.3164, urban infill and redevelopment areas designated under s. 163.2517, transportation concurrency exception areas approved pursuant to s. 163.3180(5), or regional activity centers and urban central business districts approved pursuant to s. 380.06(2)(e); however, amendments under this paragraph may be applied to no more than 60 acres annually of property outside the designated areas listed in this sub-sub-subparagraph. *Amendments adopted pursuant to paragraph (k) shall not be counted toward the acreage limitations for small scale amendments under this paragraph.*

(II) A maximum of 80 acres in a local government that does not contain any of the designated areas set forth in sub-sub-subparagraph (I).

(III) A maximum of 120 acres in a county established pursuant to s. 9, Art. VIII of the State Constitution.

b. The proposed amendment does not involve the same property granted a change within the prior 12 months.

c. The proposed amendment does not involve the same owner's property within 200 feet of property granted a change within the prior 12 months.

d. The proposed amendment does not involve a text change to the goals, policies, and objectives of the local government's comprehensive plan, but only proposes a land use change to the future land use map for a site-specific small scale development activity.

e. The property that is the subject of the proposed amendment is not located within an area of critical state concern, unless the project subject to the proposed amendment involves the construction of affordable housing units meeting the criteria of s. 420.0004(3), and is located within an area of critical state concern designated by s. 380.0552 or by the Administration Commission pursuant to s. 380.05(1). Such amendment is not subject to the density limitations of sub-subparagraph f., and shall be reviewed by the state land planning agency for consistency with the principles for guiding development applicable to the area of critical state concern where the amendment is located and shall not become effective until a final order is issued under s. 380.05(6).

f. If the proposed amendment involves a residential land use, the residential land use has a density of 10 units or less per acre, except that this limitation does not apply to small scale amendments described in sub-sub-subparagraph a.(I) that are designated in the local comprehensive plan for urban infill, urban redevelopment, or downtown revitalization as defined in s. 163.3164, urban infill and redevelopment

areas designated under s. 163.2517, transportation concurrency exception areas approved pursuant to s. 163.3180(5), or regional activity centers and urban central business districts approved pursuant to s. 380.06(2)(e).

2.a. A local government that proposes to consider a plan amendment pursuant to this paragraph is not required to comply with the procedures and public notice requirements of s. 163.3184(15)(c) for such plan amendments if the local government complies with the provisions in s. 125.66(4)(a) for a county or in s. 166.041(3)(c) for a municipality. If a request for a plan amendment under this paragraph is initiated by other than the local government, public notice is required.

b. The local government shall send copies of the notice and amendment to the state land planning agency, the regional planning council, and any other person or entity requesting a copy. This information shall also include a statement identifying any property subject to the amendment that is located within a coastal high hazard area as identified in the local comprehensive plan.

3. Small scale development amendments adopted pursuant to this paragraph require only one public hearing before the governing board, which shall be an adoption hearing as described in s. 163.3184(7), and are not subject to the requirements of s. 163.3184(3)-(6) unless the local government elects to have them subject to those requirements.

(i) A comprehensive plan amendment for the purpose of designating an urban infill and redevelopment area under s. 163.2517 or a Rural Heritage Area or Rural Activity Center under the Florida Rural Heritage and Economic Stimulus Act may be approved without regard to the statutory limits on the frequency of amendments to the comprehensive plan.

(k) A local comprehensive plan amendment directly related to providing transportation improvements to enhance life safety on Controlled Access Major Arterial Highways identified in the Florida Intrastate Highway System, in counties as defined in s. 125.011, where such roadways have a high incidence of traffic accidents resulting in serious injury or death. Any such amendment shall not include any amendment modifying the designation on a comprehensive development plan land use map nor any amendment modifying the allowable densities or intensities of any land. An amendment proposed pursuant to this paragraph shall be subject to the review process for small scale amendments described in paragraph (c).

Section 3. Whopper Way designated; Department of Transportation to erect suitable markers.—

(1) That portion of N.W. 57 Avenue from N.W. 7 Street to State Highway 836 in Miami-Dade County is hereby designated as “Whopper Way.”

(2) The Department of Transportation is directed to erect suitable markers designating Whopper Way as described in subsection (1).

And the title is amended as follows:

On page 2, line 2, after “Centers;”

insert: providing for plan amendment relating to certain roadways in specified counties under certain conditions; designating Whopper Way in Miami-Dade County and directing the Department of Transportation to erect suitable markers;

Rep. Rubio moved the adoption of the amendment.

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

Representative(s) Cantens and Rubio offered the following:

(Amendment Bar Code: 553723)

Substitute Amendment 2 (with title amendment)—On page 21, lines 6-17, remove: all of said lines

and insert:

Section 2. Paragraphs (c) and (i) of subsection (1) of section 163.3187, Florida Statutes, are amended, and paragraph (k) is added to said subsection, to read:

163.3187 Amendment of adopted comprehensive plan.—

(1) Amendments to comprehensive plans adopted pursuant to this part may be made not more than two times during any calendar year, except:

(c) Any local government comprehensive plan amendments directly related to proposed small scale development activities may be approved without regard to statutory limits on the frequency of consideration of amendments to the local comprehensive plan. A small scale development amendment may be adopted only under the following conditions:

1. The proposed amendment involves a use of 10 acres or fewer and:

a. The cumulative annual effect of the acreage for all small scale development amendments adopted by the local government shall not exceed:

(I) A maximum of 120 acres in a local government that contains areas specifically designated in the local comprehensive plan for urban infill, urban redevelopment, or downtown revitalization as defined in s. 163.3164, urban infill and redevelopment areas designated under s. 163.2517, transportation concurrency exception areas approved pursuant to s. 163.3180(5), or regional activity centers and urban central business districts approved pursuant to s. 380.06(2)(e); however, amendments under this paragraph may be applied to no more than 60 acres annually of property outside the designated areas listed in this sub-sub-subparagraph. Amendments adopted pursuant to paragraph (k) shall not be counted toward the acreage limitations for small scale amendments under this paragraph.

(II) A maximum of 80 acres in a local government that does not contain any of the designated areas set forth in sub-sub-subparagraph (I).

(III) A maximum of 120 acres in a county established pursuant to s. 9, Art. VIII of the State Constitution.

b. The proposed amendment does not involve the same property granted a change within the prior 12 months.

c. The proposed amendment does not involve the same owner's property within 200 feet of property granted a change within the prior 12 months.

d. The proposed amendment does not involve a text change to the goals, policies, and objectives of the local government's comprehensive plan, but only proposes a land use change to the future land use map for a site-specific small scale development activity.

e. The property that is the subject of the proposed amendment is not located within an area of critical state concern, unless the project subject to the proposed amendment involves the construction of affordable housing units meeting the criteria of s. 420.0004(3), and is located within an area of critical state concern designated by s. 380.0552 or by the Administration Commission pursuant to s. 380.05(1). Such amendment is not subject to the density limitations of sub-subparagraph f., and shall be reviewed by the state land planning agency for consistency with the principles for guiding development applicable to the area of critical state concern where the amendment is located and shall not become effective until a final order is issued under s. 380.05(6).

f. If the proposed amendment involves a residential land use, the residential land use has a density of 10 units or less per acre, except that this limitation does not apply to small scale amendments described in sub-sub-subparagraph a.(I) that are designated in the local comprehensive plan for urban infill, urban redevelopment, or downtown revitalization as defined in s. 163.3164, urban infill and redevelopment

areas designated under s. 163.2517, transportation concurrency exception areas approved pursuant to s. 163.3180(5), or regional activity centers and urban central business districts approved pursuant to s. 380.06(2)(e).

2.a. A local government that proposes to consider a plan amendment pursuant to this paragraph is not required to comply with the procedures and public notice requirements of s. 163.3184(15)(c) for such plan amendments if the local government complies with the provisions in s. 125.66(4)(a) for a county or in s. 166.041(3)(c) for a municipality. If a request for a plan amendment under this paragraph is initiated by other than the local government, public notice is required.

b. The local government shall send copies of the notice and amendment to the state land planning agency, the regional planning council, and any other person or entity requesting a copy. This information shall also include a statement identifying any property subject to the amendment that is located within a coastal high hazard area as identified in the local comprehensive plan.

3. Small scale development amendments adopted pursuant to this paragraph require only one public hearing before the governing board, which shall be an adoption hearing as described in s. 163.3184(7), and are not subject to the requirements of s. 163.3184(3)-(6) unless the local government elects to have them subject to those requirements.

(i) A comprehensive plan amendment for the purpose of designating an urban infill and redevelopment area under s. 163.2517 or a *Rural Heritage Area* or *Rural Activity Center under the Florida Rural Heritage and Economic Stimulus Act* may be approved without regard to the statutory limits on the frequency of amendments to the comprehensive plan.

(k) A local comprehensive plan amendment directly related to providing transportation improvements to enhance life safety on *Controlled Access Major Arterial Highways identified in the Florida Intrastate Highway System, in counties as defined in s. 125.011, where such roadways have a high incidence of traffic accidents resulting in serious injury or death. Any such amendment shall not include any amendment modifying the designation on a comprehensive development plan land use map nor any amendment modifying the allowable densities or intensities of any land.*

Section 3. *Whopper Way designated; Department of Transportation to erect suitable markers.—*

(1) *That portion of N.W. 57 Avenue from N.W. 7 Street to State Highway 836 in Miami-Dade County is hereby designated as "Whopper Way."*

(2) *The Department of Transportation is directed to erect suitable markers designating Whopper Way as described in subsection (1).*

And the title is amended as follows:

On page 2, line 2, after "Centers;"

insert: providing for plan amendment relating to certain roadways in specified counties under certain conditions; designating Whopper Way in Miami-Dade County and directing the Department of Transportation to erect suitable markers;

Rep. Cantens moved the adoption of the substitute amendment, which was adopted by the required two-thirds vote.

The question recurred on the passage of CS/HB 789. The vote was:

Session Vote Sequence: 1170

Yeas—108

The Chair	Arza	Ball	Benson
Alexander	Attkisson	Barreiro	Betancourt
Allen	Atwater	Bean	Bilirakis
Andrews	Ausley	Bendross-Mindingall	Bowen
Argenziano	Baker	Bennett	Brown

Brummer	Gardiner	Kottkamp	Rich
Bucher	Gelber	Kravitz	Richardson
Bullard	Gibson	Kyle	Ritter
Byrd	Goodlette	Lacasa	Romeo
Cantens	Gottlieb	Lee	Ross
Carassas	Green	Lerner	Rubio
Clarke	Haridopolos	Littlefield	Ryan
Crow	Harper	Lynn	Seiler
Cusack	Harrell	Machek	Simmons
Davis	Harrington	Mack	Siplin
Detert	Henriquez	Mahon	Slosberg
Diaz de la Portilla	Heyman	Mayfield	Smith
Diaz-Balart	Hogan	Maygarden	Sobel
Dockery	Holloway	McGriff	Sorensen
Farkas	Jennings	Mealor	Spratt
Fasano	Johnson	Melvin	Stansel
Fields	Jordan	Murman	Trovillion
Fiorentino	Joyner	Needelman	Waters
Flanagan	Justice	Paul	Weissman
Frankel	Kallinger	Peterman	Wiles
Gannon	Kendrick	Pickens	Wilson
Garcia	Kilmer	Prieguez	Wishner

Nays—None

Votes after roll call:

Yeas—Bense, Berfield, Evers, Greenstein, Hart, Russell

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

CS/HB 1341—A bill to be entitled An act relating to community redevelopment; amending s. 163.336, F.S.; extending the date for a pilot project; 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.

—was read the third time by title.

Representative(s) Dockery offered the following:

(Amendment Bar Code: 361159)

Amendment 2—On page 17, line 23, through page 18, line 12, remove: all of said lines

and insert:

(3) *The amendments to sections 163.340, 163.355, 163.361, and 163.362, Florida Statutes, by this act do not apply to or 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 the amendments to sections 163.340 and 163.355, Florida Statutes, by this act shall apply only to such expanded area.*

(4) *The amendments to sections 163.340, 163.355, 163.361, and 163.362, Florida Statutes, by this act do not apply to or affect, directly or indirectly, any municipality that has authorized a finding of necessity study by May 1, 2002, or 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) *The amendments to sections 163.340, 163.355, 163.361, and 163.362, Florida Statutes, by this act do not apply to or 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.*

(6) *The amendments to sections 163.355, 163.362, 163.385, and 163.387, Florida Statutes, by this act do not apply to or affect, directly or indirectly, any county as*

Rep. Dockery moved the adoption of the amendment, which was adopted by the required two-thirds vote.

Representative(s) Allen offered the following:

(Amendment Bar Code: 695555)

Amendment 3 (with title amendment)—On page 18, between lines 14 and 15

and insert:

Section 11. Paragraph (k) of subsection (1) of section 288.106, Florida Statutes, is amended to read:

288.106 Tax refund program for qualified target industry businesses.—

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

(k) “Local financial support exemption option” means the option to exercise an exemption from the local financial support requirement available to any applicant whose project is located in a *brownfield area* or a county with a population of 75,000 or fewer or a county with a population of 100,000 or fewer which is contiguous to a county with a population of 75,000 or fewer. Any applicant that exercises this option shall not be eligible for more than 80 percent of the total tax refunds allowed such applicant under this section.

Section 12. Paragraph (e) of subsection (1), subsection (2), and paragraph (b) of subsection (3) of section 288.107, Florida Statutes, are amended to read:

288.107 Brownfield redevelopment bonus refunds.—

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

(e) “Eligible business” means:

1. A qualified target industry business as defined in s. 288.106(1)(o); or

2. A ~~other~~ business that can demonstrate a fixed capital investment of at least \$2 million in mixed-use business activities, including multiunit housing, commercial, retail, and industrial in brownfield areas and which *provides benefits to its employees pays wages that are at least 80 percent of the average of all private sector wages in the county in which the business is located.*

(2) BROWNFIELD REDEVELOPMENT BONUS REFUND.—*Bonus refunds shall be approved by the office as specified in the final order issued by the director and allowed from the account as follows:*

(a) *A bonus refund of \$2,500 shall be allowed to any qualified target industry business as defined by s. 288.106 for each new Florida job created in a brownfield area which is claimed on the qualified target industry business’s annual refund claim authorized in s. 288.106(5).*

(b) *A bonus refund of up to \$2,500 shall be allowed to any other eligible business as defined in subparagraph (1)(e)2. for each new*

Florida job created in a brownfield which is claimed under an annual claim procedure similar to the annual refund claim authorized in s. 288.106(5). The amount of the refund shall be equal to 20 percent of the average annual wage for the jobs created. ~~There shall be allowed from the account a bonus refund of \$2,500 to any qualified target industry business or other eligible business as defined in paragraph (1)(e) for each new Florida job created in a brownfield which is claimed on the qualified target industry business’s annual refund claim authorized in s. 288.106(5) or other similar annual claim procedure for other eligible business as defined in paragraph (1)(e) and approved by the office as specified in the final order issued by the director.~~

(3) CRITERIA.—The minimum criteria for participation in the brownfield redevelopment bonus refund are:

(b) The completion of a fixed capital investment of at least \$2 million in mixed-use business activities, including multiunit housing, commercial, retail, and industrial in brownfield areas, *by an eligible business applying for a refund under paragraph (2)(b) and which provides benefits to its employees pay wages that are at least 80 percent of the average of all private sector wages in the county in which the business is located.*

And the title is amended as follows:

On page 2, line 5 after the semicolon

insert: amending s. 288.106, F.S.; redefining the term “local financial support exemption option” with respect to the tax refund program; amending s. 288.107, F.S.; revising the criteria for participation in the bonus refund program; revising the formula for calculating the refund;

Rep. Allen moved the adoption of the amendment, which was adopted by the required two-thirds vote.

The question recurred on the passage of CS/HB 1341. The vote was:

Session Vote Sequence: 1171

Yeas—109

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

Nays—6

Argenziano	Heyman	Seiler	Weissman
Gelber	Mack		

Votes after roll call:

Yeas—Fasano, Kilmer

Yeas to Nays—Gottlieb

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

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 third time by title.

REPRESENTATIVE FASANO IN THE CHAIR

Representative(s) Pickens offered the following:

(Amendment Bar Code: 384863)

Amendment 3—On page 2, line 20, remove: , and

and insert: ; however, notwithstanding section 7 of this article, the legislature may amend or repeal legislation approved by vote of the electors under this section only by a vote of three-fifths of the membership of each house of the legislature. Laws that are enacted by initiative

=====BALLOT STATEMENT AMENDMENT=====

And the ballot statement is amended as follows: On page 6, line 9, after “legislation”

insert: , except for an extraordinary vote to amend or repeal,

Rep. Pickens moved the adoption of the amendment, which was adopted by the required two-thirds vote.

The question recurred on the passage of CS/HJR 1131, which now reads as follows:

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.

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

That 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 set forth below are agreed to and shall be submitted to the electors of Florida for approval or rejection at the general election to be held in November 2002:

ARTICLE III LEGISLATURE

SECTION 20. Legislation by initiative.—

(a) The power to propose legislation by initiative is reserved to the people. The power may be invoked by filing a petition with the chief elections officer of the state that contains a copy of the proposed legislation, which petition is signed by a number of electors in each of the congressional districts of the state, and of the state as a whole, equal to four percent of the votes cast in each of such districts respectively and in the state as a whole in the last preceding election in which presidential electors were chosen.

(b) Special laws and general laws of local application; laws that impose, eliminate, increase, or grant exemption from taxes; laws that appropriate state funds; laws that have a significant fiscal impact on state or local government; laws that provide exemption from public

records or public meetings requirements; laws that provide for the number or assignment of judges or the jurisdiction of courts; laws that the legislature is prohibited from passing or must pass by an extraordinary vote; and laws changing the boundaries of any municipality, county, or special, legislative, or congressional district may not be proposed by initiative.

(c) Legislation proposed by initiative must comply with the requirements of this constitution applicable to laws enacted by the legislature with respect to single subject and prohibition of amendment by reference. Laws that are enacted by initiative shall be subject to the powers of the governor and the legislature granted by this constitution, as such powers apply to any law or legislation; however, notwithstanding section 7 of this article, the legislature may amend or repeal legislation approved by vote of the electors under this section only by a vote of three-fifths of the membership of each house of the legislature. Laws that are enacted by initiative shall expire two years after the date of taking effect unless reenacted by the legislature at the regular session immediately preceding the date of expiration. The enacting clause of every law proposed by initiative shall read: “Be It Enacted by the People of the State of Florida by Initiative.”.

(d) Legislation proposed by initiative shall be submitted to the electors at the next general election held more than ninety days after the initiative petition proposing it is filed with the custodian of state records. The ballot must include a statement expressing the chief purpose of the proposed legislation, in clear and unambiguous language not exceeding 75 words in length, and a statement of the economic impact of the proposed legislation. If the legislation proposed by initiative is approved by three-fifths of those electors voting on the proposal, it shall be effective on the first day of July following the next regular session of the legislature held after the general election at which the legislative initiative was approved.

(e) The legislature shall establish by general law, no later than July 1, 2003, procedures to be used in invoking and approving legislation proposed by initiative and for providing sufficient prior public notice.

ARTICLE IV EXECUTIVE

SECTION 10. Attorney General.—The attorney general shall, as directed by general law, request the opinion of the justices of the supreme court as to the validity of any initiative petition proposing legislation circulated pursuant to Section 20 of Article III or any initiative petition proposing to amend or revise this constitution circulated pursuant to Section 3 of Article XI. The justices shall, subject to their rules of procedure, permit interested persons to be heard on the questions presented and shall render their written opinion expeditiously.

ARTICLE XI AMENDMENTS

SECTION 3. Initiative.—

(a) The power to propose the revision or amendment of any portion or portions of this constitution by initiative is reserved to the people, provided that, any such revision or amendment, except for those limiting the power of government to raise revenue, shall embrace but one subject and matter directly connected therewith. It may be invoked by filing with the custodian of state records a petition containing a copy of the proposed revision or amendment, signed by a number of electors in each of one-half of the congressional districts of the state, and of the state as a whole, equal to eight percent of the votes cast in each of such districts respectively and in the state as a whole in the last preceding election in which presidential electors were chosen.

(b) Notwithstanding subsection (a), any revision or amendment of this constitution adopted by initiative petition may be repealed by initiative petition limited to that purpose only and subject to the same requirements for invoking and voter approval as were applied to the petition proposing the revision or amendment to be repealed.

SECTION 5. Amendment or revision election.—

(a) A proposed amendment to or revision of this constitution, or any part of it, shall be submitted to the electors at the next general election held more than ninety days after the joint resolution, initiative petition or report of revision commission, constitutional convention or taxation and budget reform commission proposing it is filed with the custodian of state records, unless, pursuant to law enacted by the affirmative vote of three-fourths of the membership of each house of the legislature and limited to a single amendment or revision, it is submitted at an earlier special election held more than ninety days after such filing.

(b) Once in the tenth week, and once in the sixth week immediately preceding the week in which the election is held, the proposed amendment or revision, with notice of the date of election at which it will be submitted to the electors, shall be published in one newspaper of general circulation in each county in which a newspaper is published.

(c)(1) If the proposed amendment or revision is approved by vote of the electors, it shall be effective as an amendment to or revision of the constitution of the state on the first Tuesday after the first Monday in January following the election, or on such other date as may be specified in the amendment or revision.

(2) *Notwithstanding paragraph (1), if the amendment or revision is proposed by initiative petition, it must be approved by a vote of two-thirds of the electors voting on the matter and, if approved, shall be effective in the same manner as other amendments or revisions of the constitution of the state become effective.*

(d) *The ballot statement of an amendment or revision proposed by initiative petition must include a brief statement of the economic impact of the proposed amendment or revision. The legislature shall establish by general law the required content of the economic impact statement.*

BE IT FURTHER RESOLVED that in accordance with the requirements of section 101.161, Florida Statutes, the title and substance of the amendments proposed herein shall appear on the ballot as follows:

LEGISLATION BY INITIATIVE; AMENDMENT OR REVISION OF STATE CONSTITUTION BY INITIATIVE; PETITION REVIEW

Allows legislation to be proposed by initiative, unless it is special or local in nature, involves taxes or tax exemptions, appropriates state funds, has a significant fiscal impact on state or local government, provides exemption from public records or public meetings requirements, provides for the number or assignment of judges or the jurisdiction of courts, is constitutionally prohibited or requires passage by an extraordinary vote of the Legislature, or changes the boundaries of any municipality, county, or special, legislative, or congressional district. Prescribes standards for such initiatives and requirements to invoke and approve them. Subjects such legislation to constitutional powers of the Governor and Legislature with respect to laws or legislation, except for an extraordinary vote to amend or repeal, and to future expiration unless reenacted by the Legislature. Requires the Legislature to adopt procedures governing initiatives proposing legislation. Provides for Supreme Court review of initiative petitions proposing legislation. Requires signatures for initiative petitions to amend or revise the State Constitution to be gathered in all, rather than one half, of the congressional districts and of the state as a whole. Increases the number of votes required to approve amendments or revisions to the State Constitution proposed by initiative petition, but allows repeal of amendments or revisions to the State Constitution adopted by initiative petition pursuant to the same requirements as those for adoption of the amendment or revision to be repealed. Requires the ballot statement of each initiative proposing legislation or amendment or revision of the State Constitution to include a statement of economic impact.

The vote was:

Session Vote Sequence: 1172

Yeas—78

The Chair	Allen	Attkisson	Ausley
Alexander	Argenziano	Atwater	Baker

Ball	Detert	Johnson	Paul
Bean	Diaz de la Portilla	Jordan	Pickens
Bennett	Diaz-Balart	Kendrick	Richardson
Bense	Evers	Kilmer	Ritter
Benson	Farkas	Kosmas	Ross
Berfield	Feeney	Kottkamp	Rubio
Bilirakis	Garcia	Kravitz	Russell
Bowen	Gardiner	Lee	Ryan
Brown	Gibson	Littlefield	Seiler
Brummer	Goodlette	Lynn	Simmons
Brutus	Greenstein	Mack	Sobel
Bullard	Haridopolos	Mahon	Spratt
Byrd	Harrington	Mayfield	Stansel
Cantens	Hart	Maygarden	Trovillion
Carassas	Henriquez	Meadows	Wallace
Clarke	Hogan	Mealor	Wishner
Crow	Holloway	Murman	
Davis	Jennings	Needelman	

Nays—36

Arza	Frankel	Kyle	Rich
Barreiro	Gannon	Lacasa	Romeo
Bendross-Mindingall	Gelber	Lerner	Siplin
Betancourt	Gottlieb	Machek	Slosberg
Bucher	Harper	McGriff	Smith
Cusack	Harrell	Melvin	Sorensen
Dockery	Joyner	Nepron	Weissman
Fields	Justice	Peterman	Wiles
Florentino	Kallinger	Prieguez	Wilson

Votes after roll call:

Yeas—Green, Waters
Nays—Andrews

So the joint resolution passed, as amended, by the required constitutional three-fifths vote of the membership and was immediately certified to the Senate after engrossment.

CS for SB 1362—A bill to be entitled An act relating to insurance; amending s. 627.7295, F.S.; clarifying an exception; providing an additional exception to a requirement that a minimum of 2 months' premium be collected to issue a policy or binder for motor vehicle insurance; amending s. 627.901, F.S.; authorizing insurance agents and insurers that finance premiums for certain policies to charge interest or a service charge at a specified rate on unpaid premiums on those policies; providing an effective date.

—was read the third time by title.

Representative(s) Brown offered the following:

(Amendment Bar Code: 083709)

Amendment 2 (with title amendment)—On page 1, line 15,

insert:

Section 1. Section 627.7283, Florida Statutes, is amended to read:

627.7283 Cancellation; return of premium.—

(1) If the insured ~~or insurer~~ cancels a policy of motor vehicle insurance, the insurer must mail ~~return~~ the unearned portion of any premium paid within 30 days after *the effective date of the policy cancellation or receipt of notice or request for cancellation, whichever is later. This requirement applies to a cancellation initiated by an insured for any reason. issuance or receipt by the insurer of notice of cancellation. If the unearned premium is not returned within the 30-day period, the insurer must pay 8 percent interest on the amount due. If the unearned premium is not returned within 45 days after receipt of the notice, the insured may bring an action against the insurer pursuant to s. 624.155.*

(2) *If an insurer cancels a policy of motor vehicle insurance, the insurer must mail the unearned premium portion of any premium within 15 days after the effective date of the policy cancellation.*

(3) *If the unearned premium is not mailed within the applicable period, the insurer must pay to the insured 8 percent interest on the amount due. If the unearned premium is not mailed within 45 days after the applicable period, the insured may bring an action against the insurer pursuant to s. 624.155.*

(4)(2) If the insured cancels, the insurer may retain up to 10 percent of the unearned premium and must refund at least 90 percent of the unearned premium. If the insurer cancels, the insurer must refund 100 percent of the unearned premium. Cancellation is without prejudice to any claim originating prior to the effective date of the cancellation. For purposes of this section, unearned premiums must be computed on a pro rata basis.

And the title is amended as follows:

On page 1, line 2, after the semicolon,

insert: amending s. 627.7283, F.S.; revising criteria and procedures for cancellation of a motor vehicle insurance policy; providing for return of unearned premium under certain circumstances; providing for interest under certain circumstances; providing for civil action under certain circumstances;

Rep. Brown moved the adoption of the amendment, which was adopted by the required two-thirds vote.

Representative(s) Brown offered the following:

(Amendment Bar Code: 434325)

Amendment 3 (with title amendment)—On page 8, between lines 4 and 5,

insert:

Section 5. Paragraph (o) of subsection (1) of section 626.9541, Florida Statutes, is amended to read:

626.9541 Unfair methods of competition and unfair or deceptive acts or practices defined.—

(1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE ACTS.—The following are defined as unfair methods of competition and unfair or deceptive acts or practices:

(o) Illegal dealings in premiums; excess or reduced charges for insurance.—

1. Knowingly collecting any sum as a premium or charge for insurance, which is not then provided, or is not in due course to be provided, subject to acceptance of the risk by the insurer, by an insurance policy issued by an insurer as permitted by this code.

2. Knowingly collecting as a premium or charge for insurance any sum in excess of or less than the premium or charge applicable to such insurance, in accordance with the applicable classifications and rates as filed with and approved by the department, and as specified in the policy; or, in cases when classifications, premiums, or rates are not required by this code to be so filed and approved, premiums and charges in excess of or less than those specified in the policy and as fixed by the insurer. This provision shall not be deemed to prohibit the charging and collection, by surplus lines agents licensed under part VIII of this chapter, of the amount of applicable state and federal taxes, or fees as authorized by s. 626.916(4), in addition to the premium required by the insurer or the charging and collection, by licensed agents, of the exact amount of any discount or other such fee charged by a credit card facility in connection with the use of a credit card, as authorized by subparagraph (q)3., in addition to the premium required by the insurer. This subparagraph shall not be construed to prohibit collection of a premium for a universal life or a variable or indeterminate value insurance policy made in accordance with the terms of the contract. *This subparagraph shall not be construed to prohibit a licensed general lines agent from collecting a nominal charge for the preparation, or subsequent servicing, of motor vehicle insurance policies if those services are provided by the licensed agent, at the request of the insured. Such*

charge is not insurance and not a part of the premium rates or charges filed with the Department of Insurance by the insurer.

3.a. Imposing or requesting an additional premium for a policy of motor vehicle liability, personal injury protection, medical payment, or collision insurance or any combination thereof or refusing to renew the policy solely because the insured was involved in a motor vehicle accident unless the insurer's file contains information from which the insurer in good faith determines that the insured was substantially at fault in the accident.

b. An insurer which imposes and collects such a surcharge or which refuses to renew such policy shall, in conjunction with the notice of premium due or notice of nonrenewal, notify the named insured that he or she is entitled to reimbursement of such amount or renewal of the policy under the conditions listed below and will subsequently reimburse him or her or renew the policy, if the named insured demonstrates that the operator involved in the accident was:

(I) Lawfully parked;

(II) Reimbursed by, or on behalf of, a person responsible for the accident or has a judgment against such person;

(III) Struck in the rear by another vehicle headed in the same direction and was not convicted of a moving traffic violation in connection with the accident;

(IV) Hit by a "hit-and-run" driver, if the accident was reported to the proper authorities within 24 hours after discovering the accident;

(V) Not convicted of a moving traffic violation in connection with the accident, but the operator of the other automobile involved in such accident was convicted of a moving traffic violation;

(VI) Finally adjudicated not to be liable by a court of competent jurisdiction;

(VII) In receipt of a traffic citation which was dismissed or nolle prossed; or

(VIII) Not at fault as evidenced by a written statement from the insured establishing facts demonstrating lack of fault which are not rebutted by information in the insurer's file from which the insurer in good faith determines that the insured was substantially at fault.

c. In addition to the other provisions of this subparagraph, an insurer may not fail to renew a policy if the insured has had only one accident in which he or she was at fault within the current 3-year period. However, an insurer may nonrenew a policy for reasons other than accidents in accordance with s. 627.728. This subparagraph does not prohibit nonrenewal of a policy under which the insured has had three or more accidents, regardless of fault, during the most recent 3-year period.

4. Imposing or requesting an additional premium for, or refusing to renew, a policy for motor vehicle insurance solely because the insured committed a noncriminal traffic infraction as described in s. 318.14 unless the infraction is:

a. A second infraction committed within an 18-month period, or a third or subsequent infraction committed within a 36-month period.

b. A violation of s. 316.183, when such violation is a result of exceeding the lawful speed limit by more than 15 miles per hour.

5. Upon the request of the insured, the insurer and licensed agent shall supply to the insured the complete proof of fault or other criteria which justifies the additional charge or cancellation.

6. No insurer shall impose or request an additional premium for motor vehicle insurance, cancel or refuse to issue a policy, or refuse to renew a policy because the insured or the applicant is a handicapped or physically disabled person, so long as such handicap or physical disability does not substantially impair such person's mechanically assisted driving ability.

7. No insurer may cancel or otherwise terminate any insurance contract or coverage, or require execution of a consent to rate endorsement, during the stated policy term for the purpose of offering to issue, or issuing, a similar or identical contract or coverage to the same insured with the same exposure at a higher premium rate or continuing an existing contract or coverage with the same exposure at an increased premium.

8. No insurer may issue a nonrenewal notice on any insurance contract or coverage, or require execution of a consent to rate endorsement, for the purpose of offering to issue, or issuing, a similar or identical contract or coverage to the same insured at a higher premium rate or continuing an existing contract or coverage at an increased premium without meeting any applicable notice requirements.

9. No insurer shall, with respect to premiums charged for motor vehicle insurance, unfairly discriminate solely on the basis of age, sex, marital status, or scholastic achievement.

10. Imposing or requesting an additional premium for motor vehicle comprehensive or uninsured motorist coverage solely because the insured was involved in a motor vehicle accident or was convicted of a moving traffic violation.

11. No insurer shall cancel or issue a nonrenewal notice on any insurance policy or contract without complying with any applicable cancellation or nonrenewal provision required under the Florida Insurance Code.

12. No insurer shall impose or request an additional premium, cancel a policy, or issue a nonrenewal notice on any insurance policy or contract because of any traffic infraction when adjudication has been withheld and no points have been assessed pursuant to s. 318.14(9) and (10). However, this subparagraph does not apply to traffic infractions involving accidents in which the insurer has incurred a loss due to the fault of the insured.

And the title is amended as follows:

On page 8, line 28, after the semicolon,

insert: amending s. 626.9541, F.S.; specifying that certain charges collected by an insurer relating to motor vehicle insurance policies are not prohibited under unfair methods of competition and unfair or deceptive acts or practices restrictions; specifying that such charges are not insurance and not part of certain premium rates or charges;

Rep. Brown moved the adoption of the amendment.

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

Representative(s) Brown offered the following:

(Amendment Bar Code: 293031)

Substitute Amendment 3 (with title amendment)—On page 8, between lines 4 and 5,

insert:

Section 5. Paragraph (o) of subsection (1) of section 626.9541, Florida Statutes, is amended to read:

626.9541 Unfair methods of competition and unfair or deceptive acts or practices defined.—

(1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE ACTS.—The following are defined as unfair methods of competition and unfair or deceptive acts or practices:

(o) Illegal dealings in premiums; excess or reduced charges for insurance.—

1. Knowingly collecting any sum as a premium or charge for insurance, which is not then provided, or is not in due course to be provided, subject to acceptance of the risk by the insurer, by an insurance policy issued by an insurer as permitted by this code.

2. Knowingly collecting as a premium or charge for insurance any sum in excess of or less than the premium or charge applicable to such insurance, in accordance with the applicable classifications and rates as filed with and approved by the department, and as specified in the policy; or, in cases when classifications, premiums, or rates are not required by this code to be so filed and approved, premiums and charges in excess of or less than those specified in the policy and as fixed by the insurer. This provision shall not be deemed to prohibit the charging and collection, by surplus lines agents licensed under part VIII of this chapter, of the amount of applicable state and federal taxes, or fees as authorized by s. 626.916(4), in addition to the premium required by the insurer or the charging and collection, by licensed agents, of the exact amount of any discount or other such fee charged by a credit card facility in connection with the use of a credit card, as authorized by subparagraph (q)3., in addition to the premium required by the insurer. *In addition, a licensed insurance agent may charge a new or initial per-policy processing fee not to exceed \$25 for small group health, homeowners', and automobile insurance policies.* This subparagraph shall not be construed to prohibit collection of a premium for a universal life or a variable or indeterminate value insurance policy made in accordance with the terms of the contract.

3.a. Imposing or requesting an additional premium for a policy of motor vehicle liability, personal injury protection, medical payment, or collision insurance or any combination thereof or refusing to renew the policy solely because the insured was involved in a motor vehicle accident unless the insurer's file contains information from which the insurer in good faith determines that the insured was substantially at fault in the accident.

b. An insurer which imposes and collects such a surcharge or which refuses to renew such policy shall, in conjunction with the notice of premium due or notice of nonrenewal, notify the named insured that he or she is entitled to reimbursement of such amount or renewal of the policy under the conditions listed below and will subsequently reimburse him or her or renew the policy, if the named insured demonstrates that the operator involved in the accident was:

(I) Lawfully parked;

(II) Reimbursed by, or on behalf of, a person responsible for the accident or has a judgment against such person;

(III) Struck in the rear by another vehicle headed in the same direction and was not convicted of a moving traffic violation in connection with the accident;

(IV) Hit by a "hit-and-run" driver, if the accident was reported to the proper authorities within 24 hours after discovering the accident;

(V) Not convicted of a moving traffic violation in connection with the accident, but the operator of the other automobile involved in such accident was convicted of a moving traffic violation;

(VI) Finally adjudicated not to be liable by a court of competent jurisdiction;

(VII) In receipt of a traffic citation which was dismissed or nolle prossed; or

(VIII) Not at fault as evidenced by a written statement from the insured establishing facts demonstrating lack of fault which are not rebutted by information in the insurer's file from which the insurer in good faith determines that the insured was substantially at fault.

c. In addition to the other provisions of this subparagraph, an insurer may not fail to renew a policy if the insured has had only one accident in which he or she was at fault within the current 3-year period. However, an insurer may nonrenew a policy for reasons other than accidents in accordance with s. 627.728. This subparagraph does not prohibit nonrenewal of a policy under which the insured has had three or more accidents, regardless of fault, during the most recent 3-year period.

4. Imposing or requesting an additional premium for, or refusing to renew, a policy for motor vehicle insurance solely because the insured

committed a noncriminal traffic infraction as described in s. 318.14 unless the infraction is:

a. A second infraction committed within an 18-month period, or a third or subsequent infraction committed within a 36-month period.

b. A violation of s. 316.183, when such violation is a result of exceeding the lawful speed limit by more than 15 miles per hour.

5. Upon the request of the insured, the insurer and licensed agent shall supply to the insured the complete proof of fault or other criteria which justifies the additional charge or cancellation.

6. No insurer shall impose or request an additional premium for motor vehicle insurance, cancel or refuse to issue a policy, or refuse to renew a policy because the insured or the applicant is a handicapped or physically disabled person, so long as such handicap or physical disability does not substantially impair such person's mechanically assisted driving ability.

7. No insurer may cancel or otherwise terminate any insurance contract or coverage, or require execution of a consent to rate endorsement, during the stated policy term for the purpose of offering to issue, or issuing, a similar or identical contract or coverage to the same insured with the same exposure at a higher premium rate or continuing an existing contract or coverage with the same exposure at an increased premium.

8. No insurer may issue a nonrenewal notice on any insurance contract or coverage, or require execution of a consent to rate endorsement, for the purpose of offering to issue, or issuing, a similar or identical contract or coverage to the same insured at a higher premium rate or continuing an existing contract or coverage at an increased premium without meeting any applicable notice requirements.

9. No insurer shall, with respect to premiums charged for motor vehicle insurance, unfairly discriminate solely on the basis of age, sex, marital status, or scholastic achievement.

10. Imposing or requesting an additional premium for motor vehicle comprehensive or uninsured motorist coverage solely because the insured was involved in a motor vehicle accident or was convicted of a moving traffic violation.

11. No insurer shall cancel or issue a nonrenewal notice on any insurance policy or contract without complying with any applicable cancellation or nonrenewal provision required under the Florida Insurance Code.

12. No insurer shall impose or request an additional premium, cancel a policy, or issue a nonrenewal notice on any insurance policy or contract because of any traffic infraction when adjudication has been withheld and no points have been assessed pursuant to s. 318.14(9) and (10). However, this subparagraph does not apply to traffic infractions involving accidents in which the insurer has incurred a loss due to the fault of the insured.

And the title is amended as follows:

On page 8, line 28, after the semicolon,

insert: amending s. 626.9541, F.S.; permitting licensed insurance agents to charge certain processing fees; limiting the amount of such fees;

Rep. Brown moved the adoption of the substitute amendment.

Further consideration of **CS for SB 1362**, with pending amendments, was temporarily postponed under Rule 11.10.

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 third time by title.

Representative(s) Lynn offered the following:

(Amendment Bar Code: 705441)

Amendment 1 (with title amendment)—On page 6, between lines 30 and 31,

insert:

Section 6. Section 257.261, Florida Statutes, is amended to read:

257.261 Library registration and circulation records.—All registration and circulation records of every public library, except statistical reports of registration and circulation, are confidential and exempt from the provisions of s. 119.07(1) and from s. 24(a) of Art. I of the State Constitution. Except in accordance with proper judicial order, a person may not make known in any manner any information contained in such records, except as provided in this section. As used in this section, the term "registration records" includes any information that a library requires a patron to provide in order to become eligible to borrow books and other materials, and the term "circulation records" includes all information that identifies the patrons who borrow particular books and other materials. This section does not prohibit any library, or any business operating jointly with the library, from disclosing information to the parent or guardian of a public library patron under the age of 16 ~~municipal or county law enforcement officials, or to judicial officials,~~ for the purpose of collecting fines or recovering overdue books, documents, films, or other items or materials owned or otherwise belonging to the library. This section does not prohibit any library, or any business operating jointly with the library, from disclosing information to municipal or county law enforcement officials or to judicial officials or to any business, for the purpose of collecting fines or recovering overdue books, documents, films, or other items or materials owned or otherwise belonging to the library; provided that, in the case of a public library patron under the age of 16, the a public library or business entity may only release confidential information relating to the parent or guardian of the person under 16. Any person who violates this section ~~commits is guilty of~~ a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 16, following the semicolon

insert: amending s. 257.261, F.S.; revising provisions relating to confidentiality of public library registration and circulation records to authorize disclosure of information to the parent or guardian of a library patron under age 16, for the purpose of collecting fines or recovering overdue books or other materials;

Rep. Lynn moved the adoption of the amendment, which was adopted by the required two-thirds vote.

The question recurred on the passage of CS/HB 1115. The vote was:

Session Vote Sequence: 1173

Yeas—117

The Chair	Ausley	Benson	Bucher
Alexander	Baker	Berfield	Bullard
Allen	Ball	Betancourt	Byrd
Andrews	Barreiro	Bilirakis	Cantens
Argenziano	Bean	Bowen	Carassas
Arza	Bendross-Mindingall	Brown	Clarke
Attkisson	Bennett	Brummer	Crow
Atwater	Bense	Brutus	Cusack

Davis	Harper	Lerner	Ross
Detert	Harrell	Littlefield	Rubio
Diaz de la Portilla	Harrington	Lynn	Russell
Diaz-Balart	Hart	Machek	Ryan
Dockery	Henriquez	Mack	Seiler
Evers	Heyman	Mahon	Simmons
Farkas	Hogan	Mayfield	Siplin
Feeney	Holloway	Maygarden	Slosberg
Fields	Jennings	McGriff	Smith
Fiorentino	Johnson	Meadows	Sobel
Flanagan	Jordan	Mealor	Spratt
Frankel	Joyner	Melvin	Stansel
Gannon	Justice	Murman	Trovillion
Garcia	Kallinger	Needelman	Wallace
Gardiner	Kendrick	Negron	Waters
Gelber	Kilmer	Paul	Weissman
Gibson	Kosmas	Peterman	Wiles
Goodlette	Kottkamp	Prieguez	Wilson
Gottlieb	Kravitz	Rich	Wishner
Green	Kyle	Richardson	
Greenstein	Lacasa	Ritter	
Haridopolos	Lee	Romeo	

Justice	Machek	Peterman	Slosberg
Kallinger	Mack	Pickens	Smith
Kendrick	Mahon	Prieguez	Sobel
Kilmer	Mayfield	Richardson	Sorensen
Kosmas	Seiler	Ritter	Spratt
Kottkamp	McGriff	Romeo	Stansel
Kravitz	Meadows	Ross	Trovillion
Kyle	Mealor	Rubio	Wallace
Lacasa	Melvin	Russell	Waters
Lee	Murman	Ryan	Weissman
Lerner	Needelman	Seiler	Wiles
Littlefield	Negron	Simmons	Wilson
Lynn	Paul	Siplin	Wishner

Nays—None

So the bill passed, as amended, and was immediately certified to the Senate.

CS/HB 1471 was taken up. On motion by Rep. Kendrick, the rules were waived and—

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 SB 2262, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Banking and Insurance and Senators Meek, Posey and Holzendorf—

CS for SB 2262—A bill to be entitled An act relating to the Florida Fair Lending Act; providing a short title; providing legislative findings; providing definitions; specifying prohibited acts relating to high-cost home loans; specifying required disclosures for high-cost home loans; specifying liability of purchasers and assignees; requiring lenders of high-cost home loans to provide notice to borrowers prior to taking foreclosure actions; allowing the borrower to cure the default; providing administration and enforcement powers and duties of the Department of Banking and Finance; authorizing the department to conduct investigations and examinations; providing for complaints; authorizing the department to bring actions for injunctions; providing for issuance of subpoenas; authorizing the department to issue and serve cease and desist orders for certain purposes; authorizing the department to impose certain fines under certain circumstances; specifying effect; authorizing the department to adopt rules; providing that a lender who violates this act forfeits the interest in the high-cost home loan; providing that certain unintentional good-faith errors are not deemed violations of the act; preempting regulation of high-cost home loans to the state; providing severability; directing the Department of Insurance to approve specified enrollment forms; providing an effective date.

—was taken up, read the first time by title, and substituted for CS/HB 1471. Under Rule 5.15, the House bill was laid on the table.

THE SPEAKER IN THE CHAIR

On motion by Rep. Kendrick, the rules were waived and CS for SB 2262 was read the second time by title and the third time by title. On passage, the vote was:

Session Vote Sequence: 1175

Yeas—118

The Chair	Attkisson	Bean	Bilirakis
Alexander	Atwater	Bendross-Mindingall	Bowen
Allen	Ausley	Bennett	Brown
Andrews	Baker	Bense	Brummer
Argenziano	Ball	Benson	Brutus
Arza	Barreiro	Berfield	Bucher

Nays—None

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

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 third time by title.

Representative(s) Gelber offered the following:

(Amendment Bar Code: 632965)

Amendment 1—On page 1, line 30, after the word *a*

insert: *felony*

Rep. Gelber moved the adoption of the amendment, which was adopted by the required two-thirds vote.

The question recurred on the passage of SB 172. The vote was:

Session Vote Sequence: 1174

Yeas—116

The Chair	Berfield	Diaz de la Portilla	Gottlieb
Alexander	Betancourt	Diaz-Balart	Green
Allen	Bilirakis	Dockery	Greenstein
Andrews	Bowen	Evers	Haridopolos
Argenziano	Brown	Farkas	Harper
Arza	Brummer	Feeney	Harrell
Attkisson	Brutus	Fields	Harrington
Atwater	Bucher	Fiorentino	Hart
Ausley	Bullard	Flanagan	Henriquez
Baker	Byrd	Frankel	Heyman
Ball	Cantens	Gannon	Hogan
Barreiro	Carassas	Garcia	Holloway
Bean	Clarke	Gardiner	Jennings
Bennett	Crow	Gelber	Johnson
Bense	Cusack	Gibson	Jordan
Benson	Davis	Goodlette	Joyner

Bullard	Goodlette	Kyle	Ritter
Byrd	Gottlieb	Lacasa	Romeo
Cantens	Green	Lee	Ross
Carassas	Greenstein	Lerner	Rubio
Clarke	Haridopolos	Littlefield	Russell
Crow	Harper	Lynn	Ryan
Cusack	Harrell	Machek	Seiler
Davis	Harrington	Mack	Simmons
Detert	Hart	Mahon	Siplin
Diaz de la Portilla	Henriquez	Mayfield	Slosberg
Diaz-Balart	Heyman	Maygarden	Smith
Dockery	Hogan	McGriff	Sobel
Evers	Holloway	Meadows	Sorensen
Farkas	Jennings	Mealor	Spratt
Fasano	Johnson	Melvin	Stansel
Fields	Jordan	Murman	Trovillion
Fiorentino	Joyner	Needelman	Wallace
Flanagan	Justice	Negron	Waters
Frankel	Kallinger	Paul	Weissman
Gannon	Kendrick	Peterman	Wiles
Garcia	Kilmer	Pickens	Wilson
Gardiner	Kosmas	Prieguez	Wishner
Gelber	Kottkamp	Rich	
Gibson	Kravitz	Richardson	

Nays—None

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

Continuation of Bills and Joint Resolutions on Third Reading

CS/CS/HB 1095—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.

—was read the third time by title.

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

Representative(s) Smith offered the following:

(Amendment Bar Code: 931553)

Amendment 2 (with title amendment)—On page 1, line 29, through page 3, line 15, remove: all of said lines and insert:

Section 1. Subsection (9) is added to section 199.185, Florida Statutes, to read:

199.185 Property exempted from annual and nonrecurring taxes.—

(9)(a) *Notes, bonds, or other obligations secured by mortgages or liens given to secure the performance of an indemnitor in an amount less than \$2 million to a surety by insurance companies licensed in this state when such surety is issued for the following purposes:*

1. *Construction bid bonds,*
2. *Construction performance bonds,*
3. *Construction payment bonds,*
4. *Construction licenses,*
5. *Permits,*
6. *Court bonds, or*
7. *Bail bonds*

are exempt from the tax imposed under this chapter at the time of recording the mortgage, deed of trust, 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)(a) *Mortgages, trust deeds, liens, or security agreements filed or recorded to secure the performance of an indemnitor to a surety in an amount less than \$2 million by insurance companies licensed in this state when such surety is issued for the following purposes:*

1. *Construction bid bonds,*
2. *Construction performance bonds,*
3. *Construction payment bonds,*
4. *Construction licenses,*
5. *Permits,*
6. *Court bonds, or*
7. *Bail bonds*

are exempt from the tax imposed under 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 said mortgage or provides 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 any tax at time of exercise shall result in the penalties set forth in this chapter for failure to pay the tax.*

And the title is amended as follows:

On page 1, lines 3-13, remove: remove all of said lines

and insert: 199.185, 201.23, F.S.; exempting certain mortgages and liens 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 penalties for failure to pay those taxes when due; amending s.

Rep. Smith moved the adoption of the amendment, which was adopted by the required two-thirds vote.

The question recurred on the passage of CS/CS/HB 1095. The vote was:

Session Vote Sequence: 1176

Yeas—117

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

Nays—None

Votes after roll call:

Yeas—Kallinger, Mealor

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

HB 1149—A bill to be entitled An act relating to the Legislative Committee on Intergovernmental Relations; requiring the committee to conduct a study relating to sharing the cost of government services and the feasibility of certain programs; requiring a report to the Legislature; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 1177

Yeas—119

The Chair	Baker	Betancourt	Cantens
Alexander	Ball	Bilirakis	Carassas
Allen	Barreiro	Bowen	Clarke
Andrews	Bean	Brown	Crow
Argenziano	Bendross-Mindingall	Brummer	Cusack
Arza	Bennett	Brutus	Davis
Attkisson	Bense	Bucher	Detert
Atwater	Benson	Bullard	Diaz de la Portilla
Ausley	Berfield	Byrd	Diaz-Balart

Dockery	Hart	Lynn	Ross
Evers	Henriquez	Machek	Rubio
Farkas	Heyman	Mack	Russell
Fasano	Hogan	Mahon	Ryan
Fields	Holloway	Mayfield	Seiler
Fiorentino	Jennings	Maygarden	Simmons
Flanagan	Johnson	McGriff	Siplin
Frankel	Jordan	Meadows	Slosberg
Gannon	Joyner	Mealor	Smith
Garcia	Justice	Melvin	Sobel
Gardiner	Kallinger	Murman	Sorensen
Gelber	Kendrick	Needelman	Spratt
Gibson	Kilmer	Negron	Stansel
Goodlette	Kosmas	Paul	Trovillion
Gottlieb	Kottkamp	Peterman	Wallace
Green	Kravitz	Pickens	Waters
Greenstein	Kyle	Prieguez	Weissman
Haridopolos	Lacasa	Rich	Wiles
Harper	Lee	Richardson	Wilson
Harrell	Lerner	Ritter	Wishner
Harrington	Littlefield	Romeo	

Nays—None

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

The House moved to the consideration of CS for SB 1362 on Bills and Joint Resolutions on Third Reading.

CS for SB 1362—A bill to be entitled An act relating to insurance; amending s. 627.7295, F.S.; clarifying an exception; providing an additional exception to a requirement that a minimum of 2 months' premium be collected to issue a policy or binder for motor vehicle insurance; amending s. 627.901, F.S.; authorizing insurance agents and insurers that finance premiums for certain policies to charge interest or a service charge at a specified rate on unpaid premiums on those policies; providing an effective date.

—was taken up, having been read the third time and amended earlier today; now pending on motion by Rep. Brown to adopt Substitute Amendment 3.

The question recurred on the adoption of **Substitute Amendment 3**, which was withdrawn.

The question recurred on the adoption of **Amendment 3**, which was withdrawn.

The question recurred on the passage of CS for SB 1362. The vote was:

Session Vote Sequence: 1178

Yeas—118

The Chair	Bowen	Fields	Hogan
Alexander	Brown	Fiorentino	Holloway
Allen	Brummer	Flanagan	Jennings
Andrews	Brutus	Frankel	Johnson
Argenziano	Bucher	Gannon	Jordan
Arza	Bullard	Garcia	Joyner
Attkisson	Byrd	Gardiner	Justice
Atwater	Cantens	Gelber	Kallinger
Ausley	Carassas	Gibson	Kendrick
Baker	Clarke	Goodlette	Kosmas
Ball	Crow	Gottlieb	Kottkamp
Barreiro	Cusack	Green	Kravitz
Bean	Davis	Greenstein	Kyle
Bendross-Mindingall	Detert	Haridopolos	Lacasa
Bennett	Diaz de la Portilla	Harper	Lee
Bense	Diaz-Balart	Harrell	Lerner
Benson	Dockery	Harrington	Littlefield
Berfield	Evers	Hart	Lynn
Betancourt	Farkas	Henriquez	Machek
Bilirakis	Fasano	Heyman	Mack

Mahon	Paul	Russell	Stansel
Mayfield	Peterman	Ryan	Trovillion
Maygarden	Pickens	Seiler	Wallace
McGriff	Prieguez	Simmons	Waters
Meadows	Rich	Siplin	Weissman
Mealor	Richardson	Slosberg	Wiles
Melvin	Ritter	Smith	Wilson
Murman	Romeo	Sobel	Wishner
Needelman	Ross	Sorensen	
Negron	Rubio	Spratt	

Nays—None

Votes after roll call:

Yeas—Kilmer

So the bill passed, as amended, and was immediately certified to the Senate.

Reconsideration of CS/HB 1343

On motion by Rep. Goodlette, the House reconsidered the vote by which **CS/HB 1343**, as amended, passed earlier today.

CS/HB 1343—A bill to be entitled An act relating to the Small County Technical Assistance Program; amending s. 163.01, F.S.; revising language with respect to the Florida Interlocal Cooperation Act of 1969; amending s. 163.05, F.S.; revising legislative findings; providing criteria for contracts between the Commissioner of Agriculture and program providers; deleting responsibilities of the Comptroller and the Legislative Committee on Intergovernmental Relations; authorizing the Commissioner of Agriculture to award contracts to provide assistance to small counties; requiring the Commissioner of Agriculture to provide fiscal oversight and performance reviews; providing an appropriation; providing an effective date.

The question recurred on the passage of CS/HB 1343.

On motion by Rep. Goodlette, by the required two-thirds vote, the House reconsidered the vote by which **Amendment 4** was adopted earlier today.

The question recurred on the adoption of the amendment.

Representative(s) Attkisson offered the following:

(Amendment Bar Code: 365543)

Substitute Amendment 4—On page 2, lines 2-4 remove: all said lines

and insert: water reuse facilities, which may serve populations within but not outside of the members of the entity *unless the governing body of the county or municipality where the population to be served is located grants the entity permission to provide service within the boundaries of that county or municipality and the county in which the facilities are located assumes rate-setting jurisdiction over the facilities or delegates such jurisdiction to the Florida Public Service Commission, except for regional water supply authorities created pursuant to s. 373.1963, and the sale or resale of bulk supplies of water or the sale or resale of wastewater services pursuant to s. 367.022. Notwithstanding s. 367.171(7), except as provided in this paragraph, any separate legal entity created under this*

Rep. Attkisson moved the adoption of the substitute amendment, which was adopted by the required two-thirds vote.

The question recurred on the passage of CS/HB 1343. The vote was:

Session Vote Sequence: 1179

Yeas—112

The Chair	Andrews	Attkisson	Baker
Alexander	Argenziano	Atwater	Ball
Allen	Arza	Ausley	Barreiro

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

Nays—None

Votes after roll call:

Yeas—Lynn, Murman, Wishner

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

Reconsideration of CS/HB 393

On motion by Rep. Goodlette, the House reconsidered the vote by which **CS/HB 393**, as amended, passed earlier today.

CS/HB 393—A bill to be entitled An act relating to motor vehicle financial responsibility; amending ss. 324.031 and 324.032, F.S.; increasing certain limits of financial responsibility; specifying effect; providing an effective date.

The question recurred on the passage of CS/HB 393.

On motion by Rep. Goodlette, by the required two-thirds vote, the House reconsidered the vote by which **Amendment 2** was adopted. The question recurred on the adoption of the amendment.

Representative(s) Simmons offered the following:

(Amendment Bar Code: 160703)

Amendment 1 to Amendment 2—On page 2, line 31, and on page 3, line 1,

remove: all of said lines

and insert: 5. Effective upon this act becoming a law and before November 1, 2001, allowable amounts that may

Rep. Simmons 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 by the required two-thirds vote.

The question recurred on the passage of CS/HB 393. The vote was:

Session Vote Sequence: 1180

Yeas—119

The Chair	Andrews	Attkisson	Baker
Alexander	Argenziano	Atwater	Ball
Allen	Arza	Ausley	Barreiro

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

Nays—None

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

Reconsideration of CS/HB 445

On motion by Rep. Paul, the House agreed to reconsider the vote by which **CS/HB 445** failed to pass earlier today. The vote was:

Session Vote Sequence: 1181

Yeas—65

The Chair	Brummer	Hogan	Needelman
Alexander	Byrd	Johnson	Negron
Allen	Cantens	Jordan	Paul
Andrews	Clarke	Kallinger	Pickens
Arza	Davis	Kilmer	Prieguez
Attkisson	Diaz de la Portilla	Kottkamp	Ross
Atwater	Diaz-Balart	Kravitz	Rubio
Baker	Dockery	Kyle	Russell
Ball	Evers	Lee	Simmons
Barreiro	Flanagan	Littlefield	Sorensen
Bean	Garcia	Lynn	Spratt
Bennett	Gibson	Mack	Trovillion
Bense	Goodlette	Mahon	Wallace
Benson	Green	Maygarden	Waters
Bilirakis	Haridopolos	Mealor	
Bowen	Harrell	Melvin	
Brown	Hart	Murman	

Nays—48

Argenziano	Fields	Jennings	Ritter
Ausley	Fiorentino	Joyner	Romeo
Bendross-Mindingall	Frankel	Justice	Ryan
Berfield	Gannon	Kendrick	Seiler
Betancourt	Gelber	Kosmas	Siplin
Brutus	Gottlieb	Lerner	Slosberg
Bucher	Greenstein	Machek	Sobel
Bullard	Harper	McGriff	Stansel
Carassas	Harrington	Meadows	Weissman
Cusack	Henriquez	Peterman	Wiles
Detert	Heyman	Rich	Wilson
Farkas	Holloway	Richardson	Wishner

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.

The question recurred on the passage of CS/HB 445.

Motion

Rep. Rubio moved the previous question on the bill, which was agreed to.

The question recurred on the passage of CS/HB 445. The vote was:

Session Vote Sequence: 1182

Yeas—62

Alexander	Davis	Jordan	Pickens
Allen	Diaz de la Portilla	Kallinger	Prieguez
Andrews	Diaz-Balart	Kilmer	Richardson
Arza	Dockery	Kottkamp	Ross
Attkisson	Evers	Kyle	Rubio
Atwater	Farkas	Lee	Russell
Baker	Fields	Littlefield	Simmons
Ball	Garcia	Mack	Siplin
Barreiro	Gardiner	Mahon	Smith
Bean	Gibson	Mayfield	Spratt
Benson	Green	Maygarden	Trovillion
Berfield	Haridopolos	Mealor	Wallace
Bowen	Harper	Melvin	Waters
Brown	Hart	Needelman	Wilson
Cantens	Hogan	Negron	
Clarke	Johnson	Peterman	

Nays—53

The Chair	Detert	Holloway	Rich
Argenziano	Fasano	Jennings	Ritter
Ausley	Fiorentino	Joyner	Romeo
Bendross-Mindingall	Flanagan	Justice	Ryan
Bennett	Frankel	Kendrick	Seiler
Betancourt	Gannon	Kosmas	Slosberg
Bilirakis	Gelber	Kravitz	Sorensen
Brummer	Goodlette	Lerner	Stansel
Brutus	Gottlieb	Lynn	Weissman
Bucher	Greenstein	Machek	Wiles
Bullard	Harrell	McGriff	Wishner
Carassas	Harrington	Meadows	
Crow	Henriquez	Murman	
Cusack	Heyman	Paul	

Votes after roll call:

Yeas—Bense

Nays—Sobel

Yeas to Nays—Andrews, Berfield

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

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

Continuation of Special Orders

Continuation of Special Order Calendar

HR 9095—A resolution designating March 20, 2002, as “Puerto Rico Day” in Florida.

WHEREAS, Puerto Rico if a self-governing island and commonwealth of the United States discovered by Christopher Columbus on November 19, 1493, and colonized by the Spaniards during the 16th century, and

WHEREAS, Puerto Rico and Florida have a relationship dating back to 1513, when Ponce de Leon, Puerto Rico's first governor, embarked on a voyage to explore the New World and came upon a bountiful land he called "Pascua Florida," and

WHEREAS, Puerto Rico was acquired by the United States in 1898 at the end of the Spanish-American War; on March 2, 1917, the Jones Act was signed declaring all Puerto Ricans to be citizens of the United States, sharing in the full rights and duties of citizens; and the island was granted commonwealth status in 1952, and

WHEREAS, Puerto Ricans have fought in every major war of the United States since World War I and have exhibited outstanding heroic action at a very high cost, for Puerto Rico had the highest per-capita military combat death rate during the Korean War, nearly twice that of the United States as a whole, and many Puerto Ricans have been recognized with Congressional Medals of Honor, and

WHEREAS, today trade between the state and the commonwealth amounts to more than \$2.5 billion annually, and many Puerto Ricans, eager to explore the opportunities offered by the state's robust economy, continue to come both from abroad and from other states to join the more than 482,000 individuals from Puerto Rico who already make their homes in Florida, and

WHEREAS, it is fitting and proper that the ties between the Commonwealth of Puerto Rico and the State of Florida be recognized, taking note of the positive impact made on the economic and cultural growth of the state, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That the House of Representatives pauses in its deliberations to acknowledge the enrichment of the state's diverse culture afforded by the presence of its Floridians of Puerto Rican heritage and to wholeheartedly designate March 20, 2002, as "Puerto Rico Day" in Florida.

—was read the second time by title. On motion by Rep. Henriquez, the resolution was adopted.

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 163; HBs 281 and 285; CS/HB 491; HBs 565 and 585; CS/HB 715; HB 727; CS/HB 795; CS/HB 885; CS/HB 893; HBs 935 and 949; CS/HB 1407; HB 1423; CS/HB 1431; HB 1439; CS/HB 1447; CS/HB 1475; CS/HB 1487; and CS/HB 1511; passed HB 1575 by the required Constitutional three-fifths vote of the members of the Senate; passed CS/HB 1661 and HBs 1689, 1935, and 2011.

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 SB 402, as amended; passed SB 412; CS for CS for SB 416; and CS for SB 420; passed CS for CS for SB 484 and CS for CS for SB 636, as amended; passed CS for CS for SB 638 and CS for SB 680; passed SBs 740, 748, 752, 754, 758, 772, 784, 804, 808, 828, 858, and 902 by the required Constitutional three-fifths vote of the members of the Senate; passed SB 932, as amended; passed SB 994; passed SB 1016 and CS for SB 1026, as amended; passed CS for SB 1212; passed CS for SB 1226 & CS for SB 734, as amended; passed CS for SB 1426; SB 1536; CS for SB 1620; CS for SB 1632; and CS for SB 1648; passed CS for SB 1714 and SB 1802, as amended; passed SB 1998; passed SBs 2086 and 2130, as amended; passed CS for SB 2202 and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Health, Aging and Long-Term Care and Senator Campbell—

CS for SB 402—A bill to be entitled An act relating to pharmacy; providing a short title; defining the term "pharmaceutical adverse incident" and requiring that such incidents be reported to the Department of Health; providing exceptions; requiring the department to review reported incidents to determine whether the incidents potentially involve conduct by a health care practitioner that is subject to disciplinary action; specifying that any disciplinary action shall be taken by the appropriate board; providing for the adoption of rules and forms; providing effective dates.

Referred to the Council for Healthy Communities.

By the Committee on Health, Aging and Long-Term Care—

SB 412—A bill to be entitled An act relating to managed care ombudsman committees; creating s. 641.64, F.S.; providing definitions; amending s. 641.65, F.S., relating to district managed care ombudsman committees; requiring the formation of a managed care ombudsman committee in each district of the Agency for Health Care Administration; modifying membership and manner of appointment of committee members; specifying that committee members serve in a voluntary capacity; specifying that committees are to assist in resolving complaints only at the request of an enrollee of a managed care program; eliminating authorization for committees to conduct site visits with the agency; authorizing committees to assist enrollees in appeals of unresolved grievances to the Subscriber Assistance Panel; specifying additional responsibilities for committees; requiring committee members to be screened; requiring training for committee members; prohibiting specified conflicts of interest; amending s. 641.70, F.S.; requiring the Agency for Health Care Administration to adopt rules relating to conflicts of interest for district managed care ombudsman committees; requiring the Agency for Health Care Administration to conduct a public awareness campaign, establish standardized training, and assist in recruiting and retaining managed care ombudsmen; amending s. 641.75, F.S., relating to immunity from liability and limitation on testimony for managed care ombudsman committees; removing references to the statewide committee; conforming cross-references; repealing s. 641.60, F.S., relating to the Statewide Managed Care Ombudsman Committee; providing an appropriation; providing an effective date.

Referred to the Committee on Health & Human Services Appropriations.

By the Committees on Comprehensive Planning, Local and Military Affairs, Governmental Oversight and Productivity and Senators Saunders and Crist—

CS for CS for SB 416—A bill to be entitled An act relating to public employment; amending s. 295.07, F.S.; providing requirements for advertising select exempt positions; eliminating certain positions from exemption from preferential appointment and retention requirements; requiring vacant select exempt positions in the Department of Veterans' Affairs to be filled with qualified veterans; providing an exception; providing an effective date.

Referred to the Committee on State Administration.

By the Committee on Commerce and Economic Opportunities and Senators Burt and Crist—

CS for SB 420—A bill to be entitled An act relating to consumer services; creating s. 468.90, F.S.; prohibiting employment agencies and assistance referral services from charging advance fees and not providing the promised services; defining terms; providing a criminal penalty; amending s. 484.0512, F.S.; providing a criminal penalty for sellers of hearing aids who fail to make required refunds; defining the terms "seller" and "person selling a hearing aid"; amending ss. 489.128, 489.532, F.S.; providing legislative intent that courts should order restitution in cases of unlicensed contracting; creating s. 501.162, F.S.; providing a criminal penalty for a violation of s. 501.160, F.S.; amending

ss. 817.7005, 817.701, 817.702, 817.703, F.S.; prohibiting credit service organizations from accepting money in advance of performing services; conforming provisions to this prohibition; revising the content of an information statement to a buyer of services of a credit service organization to conform to federal provisions on the time period for requesting review of certain consumer reporting agency files; authorizing the Attorney General to enforce the Credit Repair Organizations Act; providing an effective date.

Referred to the Committee on Business Regulation.

By the Committees on Appropriations, Health, Aging and Long-Term Care and Senator Silver—

CS for CS for SB 484—A bill to be entitled An act relating to subacute pediatric transitional care; requiring the Agency for Health Care Administration to conduct a study of health care services provided to medically fragile or medical-technology-dependent children; requiring the Agency for Health Care Administration to conduct a pilot program for a subacute pediatric transitional care center; requiring background screening of center personnel; requiring the agency to amend the Medicaid state plan and seek federal waivers as necessary; requiring the center to have an advisory board; providing for membership on the advisory board; providing requirements for the admission, transfer, and discharge of a child to the center; requiring the agency to submit certain reports to the Legislature; providing an effective date.

Referred to the Council for Healthy Communities.

By the Committees on Appropriations, Judiciary, Health, Aging and Long-Term Care and Senator Burt—

CS for CS for CS for SB 636—A bill to be entitled An act relating to controlled substances; providing for specified licensing boards to adopt rules governing the prescribing of controlled substances; requiring certain health care providers to complete education courses relating to the prescription of controlled substances; providing penalties and requiring a report; providing for the emergency suspension of certain licenses for prescribing violations; requiring the Department of Health, the Department of Law Enforcement, the Statewide Prosecutor, and State Attorneys to share certain information regarding health care practitioners; requiring a report; requiring the Department of Legal Affairs to establish an electronic system to monitor the prescribing of certain controlled substances; establishing an advisory council and providing for its membership, duties, staff, and compensation; amending s. 456.033, F.S.; eliminating certain requirements for HIV and AIDS education courses; amending s. 456.072, F.S., revising penalties; amending s. 458.345, F.S.; requiring certain resident physicians, interns, and fellows to complete an educational course in prescribing controlled substances; amending s. 461.013, F.S.; prohibiting the presigning of blank prescription forms and providing penalties; amending s. 893.04, F.S.; providing additional requirements for pharmacists regarding the identification of persons to whom controlled substances are dispensed; prohibiting certain prescribing practitioners from possessing, administering, dispensing, or prescribing controlled substances; creating s. 893.065, F.S., establishing requirements for the design, issuance, and prescription forms developed by the Department of Legal Affairs for certain controlled substances and drugs; granting rulemaking authority to the Department of Legal Affairs; providing inspection of such forms by the Department of Legal Affairs; providing an effective date.

Referred to the Committee on Health Regulation.

By the Committees on Governmental Oversight and Productivity, Health, Aging and Long-Term Care and Senator Burt—

CS for CS for SB 638—A bill to be entitled An act relating to public-records exemptions; creating s. 893.066, F.S.; creating a public-records exemption for personal identifying information regarding a patient held by the Department of Legal Affairs; providing exceptions to the exemption; providing a criminal penalty for violating the provisions of the public-records exemption; providing for future review and repeal; providing a statement of public necessity; providing an effective date.

Referred to the Committee on Health Regulation.

By the Committee on Natural Resources and Senator Mitchell and others—

CS for SB 680—A bill to be entitled An act relating to Silver Springs and Rainbow Springs; permitting fishing from the shore of the Rainbow River; providing an effective date.

Referred to the Council for Ready Infrastructure.

By Senator Cowin—

SB 740—A bill to be entitled An act relating to trust funds; re-creating the Consumer Frauds Trust Fund within the Justice Administrative Commission without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

Referred to the Fiscal Responsibility Council.

By Senator Cowin—

SB 748—A bill to be entitled An act relating to trust funds; re-creating the Capital Collateral Trust Fund within the Justice Administrative Commission without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

Referred to the Fiscal Responsibility Council.

By Senator Cowin—

SB 752—A bill to be entitled An act relating to trust funds; re-creating the Family Courts Trust Fund within the state courts system without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

Referred to the Fiscal Responsibility Council.

By Senator Cowin—

SB 754—A bill to be entitled An act relating to trust funds; re-creating the Court Education Trust Fund within the state courts system without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

Referred to the Fiscal Responsibility Council.

By Senator Cowin—

SB 758—A bill to be entitled An act relating to trust funds; re-creating the County Article V Trust Fund within the state courts system without modification; carrying forward current balances and continuing current sources and uses thereof; repealing s. 2, ch. 97-64, Laws of Florida, relating to termination and review of the trust fund, to conform; providing an effective date.

Referred to the Fiscal Responsibility Council.

By Senator Cowin—

SB 772—A bill to be entitled An act relating to trust funds; re-creating the Administrative Trust Fund within the Department of Legal Affairs without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

Referred to the Fiscal Responsibility Council.

By Senator Cowin—

SB 784—A bill to be entitled An act relating to trust funds; re-creating the Operating Trust Fund within the Department of Corrections without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

Referred to the Fiscal Responsibility Council.

By Senator Cowin—

SB 804—A bill to be entitled An act relating to trust funds; re-creating the Forfeiture and Investigative Support Trust Fund within the Department of Law Enforcement without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

Referred to the Fiscal Responsibility Council.

By Senator Cowin—

SB 808—A bill to be entitled An act relating to trust funds; re-creating the Operating Trust Fund within the Department of Law Enforcement without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

Referred to the Fiscal Responsibility Council.

By Senator Cowin—

SB 828—A bill to be entitled An act relating to trust funds; terminating and re-creating the County Article V Trust Fund within the state courts system without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

Referred to the Fiscal Responsibility Council.

By Senator Clary—

SB 858—A bill to be entitled An act relating to trust funds; re-creating the Brownfield Property Ownership Clearance Assistance Revolving Loan Trust Fund within the Executive Office of the Governor without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

Referred to the Fiscal Responsibility Council.

By Senator Clary—

SB 902—A bill to be entitled An act relating to trust funds; re-creating the Motor Vehicle Operating Trust Fund within the Department of Management Services without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

Referred to the Fiscal Responsibility Council.

By Senator Burt—

SB 932—A bill to be entitled An act relating to state uniform traffic control; amending s. 316.121, F.S.; clarifying provisions governing vehicles approaching or entering intersections; providing an effective date.

Referred to the Council for Ready Infrastructure.

By Senator Sanderson—

SB 994—A bill to be entitled An act relating to offenses involving vehicle identification numbers; amending s. 319.33, F.S.; revising the elements of the offense of possessing, selling or offering for sale, concealing, or disposing of a motor vehicle or mobile home, or major component part thereof, on which the motor number or vehicle identification number has been destroyed, removed, covered, altered, or defaced; providing penalties; providing an effective date.

Referred to the Committee on Crime Prevention, Corrections & Safety.

By Senator Burt—

SB 1016—A bill to be entitled An act relating to proceeds from the tobacco settlement; amending s. 569.21, F.S.; prescribing duties of the Governor and other officers with respect to monitoring the revenues

from the tobacco settlement; providing for verification of payment amounts; requiring reports; authorizing fund transfers to repay certain costs; providing an effective date.

Referred to the Committee on State Administration and Fiscal Responsibility Council.

By the Committee on Criminal Justice and Senator Crist—

CS for SB 1026—A bill to be entitled An act relating to crimes against minors; amending ss. 787.01, 787.02, F.S.; revising the elements of the crimes of kidnapping a minor child and false imprisonment of a minor child; amending s. 787.025, F.S.; revising the elements of the crime of luring or enticing a minor child for an unlawful purpose; increasing the penalty imposed for the offense of luring or enticing a minor child for an unlawful purpose; reenacting ss. 435.03(2)(j) and (k), 435.04(2)(k) and (l), 775.21(4), 903.133, 910.14, F.S., relating to screening standards, the Florida Sexual Predators Act, bail on appeal, and kidnapping, to incorporate the amendments to ss. 787.01, 787.02, 787.025, F.S., in references thereto; reenacting and amending s. 921.0022(3)(f), (i), and (j), F.S., relating to the offense severity ranking chart of the Criminal Punishment Code, to incorporate the amendments to s. 787.02, F.S., in references thereto; conforming provisions to changes made by the act; reenacting ss. 943.0435(1)(a), 943.0585, 943.059, 944.606(1)(b), 944.607(1)(a), 948.01(15), 948.06(2)(a), F.S., relating to the registration of sexual offenders, expunction and court-ordered sealing of criminal history records, the definition of the term “sexual offender,” and probation and community control, to incorporate the amendments to ss. 787.01, 787.02, 787.025, F.S., in references thereto; providing an effective date.

Referred to the Committee on Crime Prevention, Corrections & Safety.

By the Committee on Criminal Justice and Senator Crist—

CS for SB 1212—A bill to be entitled An act relating to imposition of a death sentence; creating s. 921.1415, F.S.; providing that only criminals who were 18 years of age or older at the time the crime was committed may be sentenced to death; amending s. 775.082, F.S., to conform; providing an effective date.

Referred to the Council for Smarter Government.

By the Committees on Judiciary, Judiciary, Children and Families and Senator Burt—

CS for SB 1226 & CS for SB 734—A bill to be entitled An act relating to family court reform; creating the Commission on Family Law and Children to develop a family code; providing for membership and staffing commission; providing for repeal of the commission; creating s. 25.375, F.S.; authorizing the Supreme Court to create a system to identify cases relating to individuals and families within the court system; amending s. 25.385, F.S.; redefining the terms “domestic violence” and “family or household member”; amending s. 39.013, F.S.; providing for modifying a court order in a subsequent civil proceeding; amending s. 39.0132, F.S.; providing for limited admissibility of evidence in subsequent civil proceedings; amending s. 39.502, F.S., relating to notice, process, and service; conforming a cross-reference to changes made by the act; amending s. 39.521, F.S.; providing for modifying a court order in a subsequent civil action or proceeding; amending s. 39.814, F.S.; providing for limited admissibility of evidence in subsequent civil proceedings; amending s. 44.1011, F.S.; redefining the term “family mediation”; providing definitions for voluntary mediation and presuit mediation; amending s. 44.1012, F.S., providing legislative intent regarding continuum of alternatives to litigation; creating s. 44.1025, F.S.; providing for confidentiality concerning certain disclosures in presuit and voluntary mediations; amending s. 44.108, F.S.; increasing the service charge for modification of dissolution-of-marriage petitions to deposit moneys into state mediation and arbitration trust fund; requesting the supreme court to establish a process for filing and court approval of stipulated agreements without court appearances; creating s. 44.202, F.S.; providing for the

establishment of presuit-mediation pilot programs and funding; amending s. 61.13, F.S.; providing for the court to determine matters relating to child support in any proceeding under ch. 61, F.S.; eliminating provisions authorizing the court to award grandparents visitation rights; repealing ss. 61.1302, 61.1304, 61.1306, 61.1308, 61.131, 61.1312, 61.1314, 61.1316, 61.1318, 61.132, 61.1322, 61.1324, 61.1326, 61.1328, 61.133, 61.1332, 61.1334, 61.1336, 61.1338, 61.134, 61.1342, 61.1344, 61.1346, 61.1348, F.S., the "Uniform Child Custody Jurisdiction Act"; repealing s. 61.183, F.S., relating to mediation of certain contested issues; transferring and renumbering ss. 61.19, 61.191, F.S., relating to entry of judgment of dissolution of marriage and actions for divorce; amending s. 61.21, F.S.; revising the timeframe for completing a parenting course; creating part IV of ch. 61, F.S., the "Uniform Child Custody Jurisdiction and Enforcement Act"; providing purposes of part IV of ch. 61, F.S.; providing definitions; providing for proceedings governed under other laws; providing for application to Indian tribes; providing for international application; providing for the effect of a determination of child custody; providing for expedited hearings; requiring notice to persons outside the state; providing for limited immunity; providing for communications between courts; authorizing the taking of testimony in another state; requiring preservation of records; providing for initial jurisdiction for determining child custody; providing for exclusive, continuing jurisdiction; providing for jurisdiction to modify a determination; providing for emergency temporary jurisdiction; requiring notice; providing for an opportunity to be heard; providing for joinder of parties; providing for simultaneous proceedings; authorizing the court to decline jurisdiction; specifying the information to be submitted to the court; providing for appearance of parties and the child; providing for enforcement under the Hague Convention; providing for temporary visitation; requiring registration of a determination of child custody; providing for enforcement of a registered determination; requiring expedited enforcement of a determination of child custody; providing for a hearing and court order; providing procedures for obtaining a warrant to take physical custody of a child; providing for costs, fees, and expenses; providing for appeals; specifying duties of the state attorney and law enforcement officers; providing for application and construction of the act; providing for application of laws with respect to a motion filed before the effective date of the act; amending ss. 63.052, 63.087, 63.102, F.S., relating to adoption; conforming cross-references to the Uniform Child Custody Jurisdiction and Enforcement; transferring and renumbering s. 741.24, F.S., relating to civil actions against parents; amending s. 741.28, F.S.; redefining the terms "domestic violence" and "family household member"; amending s. 741.30, F.S.; providing for an order of temporary custody, visitation, or support to remain in effect until the court enters a permanent order; repealing ss. 753.001, 753.002, 753.004, F.S., relating to the Florida Family Visitation Network; creating ss. 753.01, 753.02, 753.03, 753.04, 753.05, 753.06, 753.07, 753.08, 753.09, F.S.; providing legislative intent with respect to administering supervised visitation programs; defining terms; providing for the development of standards for the certification of supervised visitation programs; requiring compliance with interim minimum standards; providing for security of the supervised visitation programs; requiring the Clearinghouse on Supervised Visitation to develop training materials; providing for the clearinghouse to develop and implement a mechanism for data collection; providing for the clearinghouse to develop standards for supervised visitation programs; requiring a report to the Legislature; amending s. 787.03, F.S., relating to interference with custody; conforming cross-references to changes in the act; amending s. 943.135, F.S.; requiring the Criminal Justice Standards and Training Commission to allow agencies employing law enforcement officers to authorize volunteer service as a means of fulfilling requirements for continuing education; amending s. 943.171, F.S., relating to basic skills training for handling domestic-violence cases to incorporate cross-reference to revised definitions for "domestic violence" and "family household member"; creating s. 943.254, F.S.; authorizing law enforcement agencies to administer a volunteer program for officers to provide security services during off-duty hours for certain community programs; authorizing the Department of Revenue and the Office of State Courts Administrator to obtain authorization for the courts to use specified funds for mediation services; providing an appropriation to conduct certain studies; providing legislative intent with respect to the

development of a collaborative initiative with social service agencies by circuit judges; providing for goals and elements of the collaborative initiative; requesting that the Supreme Court provide guidance to the circuit courts in developing the collaborative initiatives; requiring a report to the Legislature; requiring the Department of Juvenile Justice to organize an interagency workgroup; specifying the goals of the interagency workgroup; requiring a report to the Legislature on the accomplishments of the interagency workgroup; providing for a workgroup to develop an information system for the unified family court model; providing for a report to the Legislature; providing for severability; providing an effective date.

Referred to the Fiscal Responsibility Council and Council for Smarter Government.

By the Committee on Criminal Justice and Senator Garcia—

CS for SB 1426—A bill to be entitled An act relating to illegal bringing of certain aliens into the state; providing definitions; providing penalties; providing an increased penalty when a person is seriously injured or killed as a result of a violation of the act; providing appropriate sentencing considerations; providing for videotaped depositions; providing an effective date.

Referred to the Committee on Security, Select.

By Senator Sebesta—

SB 1536—A bill to be entitled An act relating to supervisors of elections; amending s. 98.015, F.S.; providing for the nonpartisan election of supervisors of elections; amending s. 101.151, F.S., relating to specifications for ballots, to conform; amending s. 105.031, F.S.; requiring candidates for supervisor of elections to pay a qualifying fee, subscribe to an oath, and file certain items to qualify; amending s. 105.035, F.S.; providing procedures for candidates for supervisor of elections to qualify by the alternative method; amending s. 105.041, F.S.; providing for the form of the ballot for candidates for supervisor of elections; providing for write-in candidates for supervisor of elections; amending s. 105.051, F.S.; providing for determination of election to office of candidates for supervisor of elections; amending s. 105.061, F.S.; providing that supervisors of elections shall be elected by vote of the qualified electors of the county; amending s. 105.08, F.S.; providing requirements for candidates for supervisor of elections with respect to campaign contributions and expenses and their reporting; amending s. 105.09, F.S.; prohibiting certain political activity on behalf of a candidate for supervisor of elections; providing penalties; providing an effective date.

Referred to the Committee on Rules, Ethics & Elections and Procedural & Redistricting Council.

By the Committee on Commerce and Economic Opportunities and Senator Pruitt—

CS for SB 1620—A bill to be entitled An act relating to workforce innovation; amending s. 445.009, F.S.; directing Workforce Florida, Inc., to develop strategies and policies for using private-sector staffing services firms; requiring a report; providing requirements for certain contracts; providing an effective date.

Referred to the Committee on Rules, Ethics & Elections.

By the Committee on Judiciary and Senators Saunders and Crist—

CS for SB 1632—A bill to be entitled An act relating to Medicaid fraud; amending s. 409.920, F.S.; clarifying duties of the Attorney General with respect to the statewide program to control Medicaid fraud; authorizing the Attorney General to seek civil remedies under the Florida False Claims Act and other laws; authorizing the Attorney General to refer certain cases of overpayment and suspected abusive activities to the Agency for Health Care Administration; providing an effective date.

Referred to the Committee on Rules, Ethics & Elections.

By the Committee on Judiciary and Senator Burt—

CS for SB 1648—A bill to be entitled An act relating to public-records exemptions relating to the judiciary; creating s. 44.1026, F.S.; providing for exemptions for social security numbers in judicial records and for communications and documents in presuit and voluntary mediations; providing an effective date.

Referred to the Committee on Rules, Ethics & Elections.

By the Committee on Health, Aging and Long-Term Care and Senator Brown-Waite—

CS for SB 1714—A bill to be entitled An act relating to nursing homes; requiring the Agency for Health Care Administration to conduct a pilot project to demonstrate the use of electronic monitoring equipment in nursing homes; establishing requirements for nursing homes participating in the pilot project; establishing procedures for the use of electronic monitoring equipment; specifying who may request electronic monitoring; providing for conditional consent to electronic monitoring; providing for review of tapes documenting questionable activity; prohibiting the admission of tapes as evidence in civil litigation against a nursing home, a licensed health care practitioner, or staff of a nursing home; providing for rebasing of Medicaid costs; requiring the Agency for Health Care Administration to convene an advisory panel; requiring a report; providing an effective date.

Referred to the Committee on Rules, Ethics & Elections.

By Senator Peadar—

SB 1802—A bill to be entitled An act relating to assessment of damages after dissolution of an injunction; amending s. 60.07, F.S.; providing that in the absence of an injunction bond, any damages recovered on dissolution of the injunction shall be subject to the waiver of sovereign immunity limits as described in s. 768.28, F.S.; providing an effective date.

Referred to the Council for Smarter Government.

By Senator Dawson—

SB 1998—A bill to be entitled An act relating to the Florida Litter Law; amending s. 403.413, F.S.; requiring that the community service imposed for certain violations be performed in specified areas; providing an effective date.

Referred to the Committee on Rules, Ethics & Elections.

By Senators Silver and Crist—

SB 2086—A bill to be entitled An act relating to children's services; amending s. 125.901, F.S.; providing for the creation of a council on children's services in any county that has a home rule charter; providing for council membership and terms of office; providing an effective date.

Referred to the Committee on Child & Family Security.

By Senator Lawson—

SB 2130—A bill to be entitled An act relating to registered contractors; amending s. 489.118, F.S.; providing for the grandfathering of certain contractors who have passed certain oral examinations; providing an effective date.

Referred to the Committee on Rules, Ethics & Elections.

By the Committee on Appropriations and Senators Sullivan and Crist—

CS for SB 2202—A bill to be entitled An act relating to the H. Lee Moffitt Cancer Center and Research Institute at the University of South Florida; amending s. 240.512, F.S.; assigning duties of the Board of Regents to the Florida Board of Education; providing for the utilization and governance of lands; revising provisions relating to corporate subsidiaries of the not-for-profit corporation; providing for applicability

of sovereign immunity provisions; providing for the receipt of local funds; revising provisions relating to insurance protection; assigning duties of the center director to a chief executive officer; requiring approval of the University of South Florida Board of Trustees for establishment of academic programs; authorizing the creation and support of an interdisciplinary oncology program; providing for access to certain research information; providing for appropriations to be paid to the board of directors of the not-for-profit corporation; providing an effective date.

Referred to the Council for Lifelong Learning.

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., Thursday, March 21. The motion was agreed to.

Votes After Roll Call

[Date(s) of Vote(s) and Sequence Number(s)]

Rep. Andrews:

Yeas—March 19: 1071, 1079

Rep. Baker:

Yeas—March 19: 1085

Rep. Ball:

Yeas—March 14: 889, 908; March 15: 930; March 18: 935, 993; March 19: 1037, 1044

Nays—March 15: 931; March 18: 992; March 19: 1023

Rep. Bennett:

Yeas—March 19: 1064

Rep. Bense:

Yeas—March 19: 1069

Rep. Crow:

Yeas—March 19: 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1094, 1095

Rep. Gardiner:

Yeas—March 19: 1017, 1044

Rep. Gelber:

Yeas—March 19: 1076

Rep. Harper:

Yeas—March 19: 1090

Rep. Harrington:

Yeas—March 19: 1075

Rep. Heyman:

Yeas—March 19: 1076

Rep. Holloway:

Yeas to Nays—March 18: 991

Rep. Jordan:

Yeas—March 15: 930

Rep. Justice:

Yeas—March 19: 1011, 1021, 1023, 1037, 1043, 1057, 1065, 1070, 1072, 1073, 1085

Nays—March 19: 1009, 1028, 1031, 1033, 1041, 1050, 1067, 1071, 1079, 1082, 1084

Rep. Kyle:

Yeas—March 19: 1006, 1008, 1009

Nays—March 15: 923

Rep. Lerner:

Yeas—March 15: 927, 928, 930

Nays—March 15: 931

Rep. Ritter:

Nays—March 15: 931

Rep. Sobel:

Yeas—March 18: 955

Cosponsors

- CS/HB 135—Lynn
- CS/HB 355—Holloway
- CS/HB 385—Smith
- CS/CS/HB 461—Holloway, Wilson
- CS/HB 491—Bendross-Mindingall
- CS/CS/CS/HB 519—Davis, Holloway, Lynn
- CS/CS/HB 617—Sobel
- CS/HB 691—Rich, Sobel
- HB 703—Detert, Dockery
- CS/HB 731—Sobel
- CS/HB 747—Harrell, Romeo
- CS/HB 843—Sobel
- HB 877—Holloway
- CS/HB 911—Waters
- CS/HB 913—Holloway, Sorensen
- CS/HB 1081—Lynn, Smith
- CS/HB 1115—Sobel
- CS/HB 1163—Kravitz, Lynn
- CS/HB 1209—Sobel
- HB 1289—Gottlieb, Sobel
- CS/HB 1295—Lynn, Murman
- CS/HB 1323—Bendross-Mindingall, Cusack, Joyner
- HB 1427—Lynn
- CS/HB 1541—Sobel
- CS/HB 1545—Harrell
- CS/HB 1673—Flanagan
- HB 2027—Allen, Greenstein, Henriquez, Kravitz

Introduction and Reference

By Representative Ryan—

HCR 2033—A concurrent resolution renumbering current Joint Rule 8 and creating a new Joint Rule 8 of the Joint Rules of the Legislature.

First reading by publication (Art. III, s. 7, Florida Constitution).

HR 9115—Adopted earlier today

By Representative Goodlette—

HR 9117—A resolution honoring the late Dr. Richard S. Hodes.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Lacasa—

HR 9119—A resolution recognizing the positive influence of permanently locating the United States Southern Command in Miami-Dade County.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Bullard—

HR 9121—A resolution observing the 10th anniversary of Hurricane Andrew.

First reading by publication (Art. III, s. 7, Florida Constitution).

Resolutions Adopted by Publication

At the request of Rep. Flanagan—

HR 9093—A resolution commemorating the celebration of Saint Patrick’s Day on March 17, 2002.

WHEREAS, Saint Patrick is responsible for bringing literacy to the people of Ireland, which led to Ireland’s status as one of the most literary nations in the world, and

WHEREAS, Americans of Irish birth and Irish descent have played a significant role in the building of America, especially in military and governmental service, business, politics, and the arts, and

WHEREAS, Florida’s Capital City has established a Sister City Program with Sligo, Ireland, and

WHEREAS, a significant number of the members of the Florida Legislature are of Irish ancestry, and

WHEREAS, there are over forty million Americans of Irish ancestry and over three million Floridians of Irish ancestry, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That the House of Representatives joins with the Irish American Caucus and all Floridians of good heart on Saint Patrick’s Day, March 17, 2002, in celebrating the continuing contribution of Irish Americans, their spirit, and their dreams for peace and brotherhood.

—was read and adopted by publication pursuant to Rule 10.20.

Enrolling Reports

CS/HB 715 has been enrolled, signed by the required constitutional officers, and presented to the Governor on March 20, 2002.

John B. Phelps, Clerk

Excused

Rep. Baxley

Adjourned

Pursuant to the motion previously agreed to, the House adjourned at 5:38 p.m., to reconvene at 10:00 a.m., Thursday, March 21.