



Journal of the Senate

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CALL TO ORDER

The Senate was called to order by President Pruitt at 9:15 a.m. A quorum present—39

Mr. President	Dockery	Margolis
Alexander	Fasano	Oelrich
Aronberg	Gaetz	Peadar
Atwater	Garcia	Posey
Baker	Geller	Rich
Bullard	Haridopolos	Ring
Carlton	Hill	Saunders
Constantine	Jones	Siplin
Crist	Joyner	Storms
Dawson	Justice	Villalobos
Dean	King	Webster
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise

Excused: Senator Bennett

PRAYER

The following prayer was offered by Pastor Luther R. Leguire, The First Apostolic Church of Lake City:

Almighty God, hear my prayer.

I pray that thou would grant unto this Senate of our great State of Florida, the wisdom, the knowledge, and the understanding that is needed of them in making decisions that affect the lives of millions of people of this great state. Help them perform their duties in the most effective ways.

The burden of office lies heavily upon their shoulders. Help them to be able to bear the negative expressions of so many that will not be pleased with their decisions. Enable them to enjoy the positive expressions, and to know they cannot please everyone.

I pray that thou would keep them safe as they travel to and fro to their homes and families. Grant them good health and strong fortitude of heart as they perform their duties.

Bless this great body of men and women in their endeavors to pass legislation that would make the State of Florida to be the best state of our union.

Bless this great State of Florida, I sincerely pray. Amen.

PLEDGE

Senate Pages Demi T. Busatta of Cape Coral; Dana Martin of Quincy; Jennifer Sullivan of Eustis; and Savannah L. Reams of Greenville, led the Senate in the pledge of allegiance to the flag of the United States of America.

DOCTOR OF THE DAY

The President recognized Dr. J.M. Garmendia of Jacksonville, sponsored by Senator Wise, as doctor of the day. Dr. Garmendia specializes in Internal Medicine.

ADOPTION OF RESOLUTIONS

At the request of Senator Wilson—

By Senator Wilson—

SR 210—A resolution recognizing April 18, 2008, as “STOP Day” in the State of Florida.

WHEREAS, violence in America’s schools threatens the core of the educational process and deprives students and teachers of opportunities to learn and teach without the fear of harm, and

WHEREAS, “STOP Day” is intended to raise awareness of the growing epidemic of violence in America’s schools and to motivate those who incite violence to opt for peaceful resolution of their grievances and a path of self-improvement and healing, and

WHEREAS, students are urged to recite the “Stop Day” pledge, which states: “I pledge to be nonviolent and to respect my fellow classmates. I will report crime or acts of violence to appropriate officials or call Crime Stoppers to report incidents anonymously. I will not let the actions of a few make my school dangerous or unsafe. I want a safe learning environment and will work with my fellow students to make it so,” and

WHEREAS, “STOP Day” participants are urged to show their support by developing anti-violence community service projects, inviting legal professionals to speak to student groups, conducting open-ended skits that allow student observers to predict outcomes of conflict based upon real-life choices, developing a process that encourages the reporting of school crime or violence, and conducting mock trials, and

WHEREAS, “STOP Day” will give every student in Florida an opportunity to evaluate this critical issue and assess his or her role in preventing crime or violence in our schools, NOW, THEREFORE,

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

That the Florida Senate is aware of the importance of stopping violence in schools and recognizes April 18, 2008, as “STOP Day” in the State of Florida.

—**SR 210** was introduced, read and adopted by publication.

At the request of Senator Fasano—

By Senator Fasano—

SR 2952—A resolution recognizing the week of September 14-20, 2008, as “Florida Behavior Analysis Week.”

WHEREAS, for the past 28 years the Florida Association for Behavior Analysis has promoted the ethical, humane, and effective application of behavior principles in all segments of society, including education, business, rehabilitation facilities, and government, and

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

WHEREAS, behavior analysis has been used successfully in a wide range of circumstances, including treating individuals who have autism, teaching basic self-help skills and language to persons who have developmental disabilities, and helping foster parents lovingly raise emotionally difficult children, and

WHEREAS, the behavior analysts who are members of the Florida Association for Behavior Analysis are from a variety of backgrounds, including consulting firms, state government programs, private therapy practices, and school administrators, and

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

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

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

That the week of September 14-20, 2008, is recognized as “Florida Behavior Analysis Week” in this state.

—**SR 2952** was introduced, read and adopted by publication.

MOTION

On motion by Senator King, by two-thirds vote **CS for SB 274**, which passed April 16, was ordered immediately certified to the House.

BILLS ON THIRD READING

Consideration of **CS for CS for SB 542** and **CS for CS for SB 2212** was deferred.

SENATOR JOYNER PRESIDING

CS for SB 2422—A bill to be entitled An act relating to local government finance; amending s. 215.441, F.S.; providing that the appointment of the executive director of the State Board of Administration be confirmed by the Senate and approved by a majority vote of the trustees of the board; amending s. 215.442, F.S.; requiring the executive director of the State Board of Administration to present the trustees with additional information; providing that the executive director is a state officer and subject to financial disclosure requirements; amending s. 218.401, F.S.; clarifying purpose and intent; amending s. 218.403, F.S.; defining the terms “board” and “trustees” for purposes of the Investment of Local Government Surplus Funds Act; amending s. 218.405, F.S.; providing for the administration of the Local Government Surplus Funds Trust Fund; providing duties of Trustees of the State Board of Administration; amending s. 218.407, F.S.; requiring that the board provide a unit of local government with certain information before such unit makes a determination that it is in the best interest of the local government unit to deposit surplus funds in the trust fund; requiring the filing of a resolution upon such determination; requiring that the resolution contain certain information; requiring that the board invest the moneys in the trust fund in a certain manner; amending s. 218.409, F.S.; providing duties of the board with regard to the administration of the trust fund; providing for the establishment of a reserve account; requiring monthly allocations to the reserve account; limiting the amount of monthly allocations; requiring that the board report annually to every participant having a beneficial interest in the trust fund; providing for the preparation of the report; providing that such report is subject to independent financial audit; requiring that the board provide a monthly statement to beneficiaries; requiring that such statement contain certain information; requiring that the Investment Advisory Council assist the board in

investing moneys held in the trust fund; providing duties of the council; creating the Pool Participant Advisory Council; providing purposes for the council; providing for membership and composition of the council; requiring that the executive director of the State Board of Administration consider appropriate action and advise the trustees accordingly under certain circumstances; providing duties of the trustees under such circumstances; authorizing the trustees to perform certain actions for the purpose of ensuring the proper exercise of fiduciary responsibility; authorizing the trustees to place assets of the trust fund into a liquidating account; providing for the maintenance and administration of such liquidating accounts; providing powers and duties of trustees with regard to assets in a liquidating account; providing for distribution of cash received from income or liquidation of assets held in a liquidating account; requiring the audit of such accounts; authorizing certain reasonable expenses to be charged to a liquidating account; excluding certain information related to assets held in liquidating accounts from certain statements; requiring that separate statements be issued for such information; providing for the transfer of reserves held in a liquidating account; requiring that the status of such accounts be reported regularly to the trustees, participants in the fund, the Investment Advisory Council, and the Pool Participant Advisory Council; providing an effective date.

—as amended April 16 was read the third time by title.

On motion by Senator Alexander, **CS for SB 2422** as amended was passed and certified to the House. The vote on passage was:

Yeas—34

Mr. President	Gaetz	Oelrich
Alexander	Garcia	Peaden
Atwater	Geller	Posey
Baker	Haridopolos	Rich
Bullard	Hill	Ring
Carlton	Jones	Saunders
Constantine	Joyner	Siplin
Crist	Justice	Webster
Dean	King	Wilson
Deutch	Lawson	Wise
Dockery	Lynn	
Fasano	Margolis	

Nays—None

Vote after roll call:

Yea—Aronberg, Diaz de la Portilla, Storms, Villalobos

Consideration of **CS for CS for CS for SB 392** was deferred.

CS for CS for SB 2580—A bill to be entitled An act relating to the West-Central Florida Water Restoration Action Plan; creating s. 373.0363, F.S.; providing definitions; providing legislative findings and intent; providing criteria governing the implementation of the West-Central Florida Water Restoration Action Plan by the Southwest Florida Water Management District; requiring that the district coordinate with regional water supply authorities and governmental partners to maximize opportunities concerning the efficient expenditure of public funds; specifying the plan’s purpose; specifying the initiatives that are included in the plan; providing criteria governing implementation of the Central West Coast Surface Water Enhancement Initiative, the Facilitating Agricultural Resource Management Systems Initiative, the Ridge Lakes Restoration Initiative, the Upper Peace River Watershed Restoration Initiative, and the Central Florida Water Resource Development Initiative and certain components or projects included in such initiatives; providing for the district to implement certain initiatives or parts thereof in cooperation with the Peace River-Manasota Regional Water Supply Authority or Polk County; requiring an annual report that meets specified criteria concerning implementation of the plan, regional conditions, and the use of funds; requiring that the Southwest Florida Water Management District prepare the report in cooperation with coordinating agencies and affected local governments and provide the report and legislative proposals to the Governor, the President of the Senate, and the Speaker of the House of Representatives; amending s. 403.087, F.S.;

prohibiting the permitting of landfills under certain conditions; providing an effective date.

—was read the third time by title.

On motion by Senator Alexander, **CS for CS for SB 2580** was passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Fasano	Margolis
Alexander	Gaetz	Oelrich
Aronberg	Garcia	Peaden
Atwater	Geller	Posey
Baker	Haridopolos	Rich
Bullard	Hill	Ring
Carlton	Jones	Saunders
Constantine	Joyner	Siplin
Crist	Justice	Storms
Dean	King	Webster
Deutch	Lawson	Wilson
Dockery	Lynn	Wise

Nays—None

Vote after roll call:

Yea—Diaz de la Portilla, Villalobos

Consideration of **CS for SB 794** was deferred.

CS for SB 1426—A bill to be entitled An act relating to sales taxes; amending s. 39, chapter 2007-106, Laws of Florida; extending a deadline for certain mobile home owners to file an application for reimbursement of sales taxes paid on mobile homes purchased to replace mobile homes damaged by a tornado; requiring that certain unexpended funds certified forward be used for the purpose of paying the reimbursements; providing an effective date.

—was read the third time by title.

On motion by Senator Baker, **CS for SB 1426** was passed and certified to the House. The vote on passage was:

Yeas—34

Mr. President	Gaetz	Peaden
Alexander	Garcia	Posey
Aronberg	Geller	Rich
Atwater	Haridopolos	Ring
Baker	Hill	Saunders
Bullard	Jones	Siplin
Constantine	Joyner	Storms
Crist	Justice	Webster
Dean	Lawson	Wilson
Deutch	Lynn	Wise
Dockery	Margolis	
Fasano	Oelrich	

Nays—None

Vote after roll call:

Yea—Carlton, Diaz de la Portilla, King, Villalobos

CS for SB 2778—A bill to be entitled An act relating to economic development; creating s. 288.061, F.S.; creating a uniform process for the review and certification of economic development incentive projects by Enterprise Florida, Inc., and the Office of Tourism, Trade, and Economic Development; amending ss. 288.063 and 288.0655, F.S.; conforming the review of transportation projects and rural infrastructure projects to changes made by the act; creating s. 288.097, F.S.; establishing Building Florida's Future Revolving Loan Guarantee Program within the Office of Tourism, Trade, and Economic Development; providing for the program to provide loan guarantees or credit enhancements to units of local

government or to private entities for use in constructing or modernizing facilities and infrastructure necessary to attract or expand certain industries as part of an economic-development project; providing requirements and criteria for the office to consider in evaluating requests; requiring Enterprise Florida, Inc., to assist the office in its evaluation; requiring the Office of Tourism, Trade, and Economic Development to adopt rules; requiring that the office provide an annual report to the Legislature regarding the program; providing an appropriation; making the fund contingent on passage of a companion bill; amending s. 288.1045, F.S.; revising the sources of funds that may be used to provide refunds for the qualified defense contractor tax refund program; conforming the review of Department of Defense projects to changes made by the act; providing that the amount of the tax refund may be reduced by the value of the land granted; deleting a requirement for an annual report; amending s. 288.106, F.S.; revising information that must be submitted by a qualified target industry business applying for a tax refund; modifying the definition of rural county; application process to changes made by the act; modifying the criteria for businesses to be eligible for an economic stimulus exemption; extending the application period; amending s. 288.107, F.S.; conforming review of applications for payment of brownfield redevelopment bonus refunds to changes made by the act; amending s. 288.108, F.S.; conforming the review of grant applications for high-impact businesses to changes made by the act; deleting provisions requiring an annual report; amending s. 288.1088, F.S.; conforming the review of projects funded by the Quick Action Closing Fund to changes made by the act; amending s. 288.1089, F.S.; providing definitions; revising application requirements for innovation incentive awards; revising evaluation and recommendation requirements for innovative incentive awards; requiring the Legislative Budget Commission to review and approve an innovation incentive award before the Executive Office of the Governor releases the funds; revising agreement requirements for payment of incentives; requiring award recipients to comply with certain business ethics developed by Enterprise Florida, Inc.; amending s. 288.955, F.S.; revising definitions; requiring the Scripps Florida Funding Corporation, along with the Office of Tourism, Trade, and Economic Development and Enterprise Florida, Inc., to review the performance and progress of grant recipients of the Innovation Incentive Program; revising membership requirements of the board of directors of the Scripps Florida Funding Corporation; authorizing the corporation to include on the same meeting agenda matters related to The Scripps Research Institute and the Innovation Incentive Program; deleting obsolete provisions; revising the duties of the corporation; revising the contract requirements between the corporation and the grant recipients; requiring the corporation to submit to the Governor and the Legislature a report related to the activities of the Innovation Incentive Program; providing requirements for the report; amending s. 288.9624, F.S.; providing that venture-capital funds affiliated with certain state universities are eligible for investment by the Florida Opportunity Fund; amending s. 220.191, F.S.; requiring applications for capital investment tax credits to be reviewed under a specified provision; amending s. 288.063, F.S.; requiring that adoption of criteria by which certain transportation projects are to be specified and identified be done in accordance with a specified provision; amending s. 288.065, F.S.; revising Rural Community Development Revolving Loan Fund program requirements; amending s. 288.0655, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to award grants for a certain percentage of total infrastructure project costs for certain catalyst site funding applications; providing for waiver of the local matching requirement; expanding eligible facilities for authorized infrastructure projects; amending s. 288.0656, F.S.; providing legislative intent; revising and providing definitions; providing certain additional review and action requirements for REDI relating to rural communities; revising representation on REDI; deleting a limitation on characterization as a rural area of critical economic concern; authorizing rural areas of critical economic concern to designate certain catalyst projects for certain purposes; providing project requirements; requiring the initiative to assist local governments with certain comprehensive planning needs; providing procedures and requirements for such assistance; revising certain reporting requirements for REDI; amending s. 288.0657, F.S.; revising the definition for a rural community; providing two full-time equivalent position and an appropriation for the Office of Tourism, Trade, and Economic Development; amending ss. 257.193, 288.019, 288.06561, and 627.6699, F.S.; conforming cross-references; providing an effective date.

—as amended April 16 was read the third time by title.

On motion by Senator Fasano, further consideration of **CS for SB 2778** was deferred.

Consideration of **CS for CS for SB 2712** was deferred.

CS for SB 2310—A bill to be entitled An act relating to stimulating the economy; providing legislative findings and intent; amending s. 215.44, F.S.; requiring the State Board of Administration to report on the amount and type of technology and growth investments held by each fund; amending s. 215.47, F.S.; authorizing the board to invest a certain percentage of net assets in technology and growth investments; increasing the percentage amount of alternative investments in any fund, including investments that are not publicly traded or specifically authorized; authorizing the board to offer opportunities to small state-based investment management firms; creating s. 215.474, F.S.; requiring the Office of Program Policy Analysis and Government Accountability to perform an annual review of technology and growth investments made by the board and report to the Legislature; creating the Reusable Space Vehicle Industry Prize Program within the Office of Tourism, Trade, and Economic Development of the Executive Office of the Governor; providing for a specified cash prize to be awarded to the individual or firm providing the most significant advancements within the reusable space vehicle industry during a specified period; requiring that the Lieutenant Governor serve as chair of the program and appoint a committee; requiring that the committee perform certain tasks; requiring that the office adopt certain rules; providing for the program to terminate on a specified date; providing an effective date.

—as amended April 16 was read the third time by title.

On motion by Senator Ring, **CS for SB 2310** as amended was passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Gaetz	Oelrich
Alexander	Garcia	Peadar
Atwater	Geller	Posey
Baker	Haridopolos	Rich
Bullard	Hill	Ring
Carlton	Jones	Saunders
Constantine	Joyner	Siplin
Crist	Justice	Storms
Dean	King	Villalobos
Deutch	Lawson	Webster
Dockery	Lynn	Wilson
Fasano	Margolis	Wise

Nays—None

Vote after roll call:

Yea—Aronberg, Diaz de la Portilla

The Senate resumed consideration of—

CS for SB 2778—A bill to be entitled An act relating to economic development; creating s. 288.061, F.S.; creating a uniform process for the review and certification of economic development incentive projects by Enterprise Florida, Inc., and the Office of Tourism, Trade, and Economic Development; amending ss. 288.063 and 288.0655, F.S.; conforming the review of transportation projects and rural infrastructure projects to changes made by the act; creating s. 288.097, F.S.; establishing Building Florida's Future Revolving Loan Guarantee Program within the Office of Tourism, Trade, and Economic Development; providing for the program to provide loan guarantees or credit enhancements to units of local government or to private entities for use in constructing or modernizing facilities and infrastructure necessary to attract or expand certain industries as part of an economic-development project; providing requirements and criteria for the office to consider in evaluating requests; requiring Enterprise Florida, Inc., to assist the office in its evaluation; requiring the Office of Tourism, Trade, and Economic Development to adopt rules; requiring that the office provide an annual report to the Legislature regarding the program; providing an appropriation; making the fund contingent on passage of a companion bill; amending s. 288.1045, F.S.; revising the sources of funds that may be used to provide refunds for the qualified defense contractor tax refund program; conforming the review of Department of Defense projects to changes made by the act; providing that the amount of the tax refund may be reduced

by the value of the land granted; deleting a requirement for an annual report; amending s. 288.106, F.S.; revising information that must be submitted by a qualified target industry business applying for a tax refund; modifying the definition of rural county; application process to changes made by the act; modifying the criteria for businesses to be eligible for an economic stimulus exemption; extending the application period; amending s. 288.107, F.S.; conforming review of applications for payment of brownfield redevelopment bonus refunds to changes made by the act; amending s. 288.108, F.S.; conforming the review of grant applications for high-impact businesses to changes made by the act; deleting provisions requiring an annual report; amending s. 288.1088, F.S.; conforming the review of projects funded by the Quick Action Closing Fund to changes made by the act; amending s. 288.1089, F.S.; providing definitions; revising application requirements for innovation incentive awards; revising evaluation and recommendation requirements for innovative incentive awards; requiring the Legislative Budget Commission to review and approve an innovation incentive award before the Executive Office of the Governor releases the funds; revising agreement requirements for payment of incentives; requiring award recipients to comply with certain business ethics developed by Enterprise Florida, Inc.; amending s. 288.955, F.S.; revising definitions; requiring the Scripps Florida Funding Corporation, along with the Office of Tourism, Trade, and Economic Development and Enterprise Florida, Inc., to review the performance and progress of grant recipients of the Innovation Incentive Program; revising membership requirements of the board of directors of the Scripps Florida Funding Corporation; authorizing the corporation to include on the same meeting agenda matters related to The Scripps Research Institute and the Innovation Incentive Program; deleting obsolete provisions; revising the duties of the corporation; revising the contract requirements between the corporation and the grant recipients; requiring the corporation to submit to the Governor and the Legislature a report related to the activities of the Innovation Incentive Program; providing requirements for the report; amending s. 288.9624, F.S.; providing that venture-capital funds affiliated with certain state universities are eligible for investment by the Florida Opportunity Fund; amending s. 220.191, F.S.; requiring applications for capital investment tax credits to be reviewed under a specified provision; amending s. 288.063, F.S.; requiring that adoption of criteria by which certain transportation projects are to be specified and identified be done in accordance with a specified provision; amending s. 288.065, F.S.; revising Rural Community Development Revolving Loan Fund program requirements; amending s. 288.0655, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to award grants for a certain percentage of total infrastructure project costs for certain catalyst site funding applications; providing for waiver of the local matching requirement; expanding eligible facilities for authorized infrastructure projects; amending s. 288.0656, F.S.; providing legislative intent; revising and providing definitions; providing certain additional review and action requirements for REDI relating to rural communities; revising representation on REDI; deleting a limitation on characterization as a rural area of critical economic concern; authorizing rural areas of critical economic concern to designate certain catalyst projects for certain purposes; providing project requirements; requiring the initiative to assist local governments with certain comprehensive planning needs; providing procedures and requirements for such assistance; revising certain reporting requirements for REDI; amending s. 288.0657, F.S.; revising the definition for a rural community; providing two full-time equivalent position and an appropriation for the Office of Tourism, Trade, and Economic Development; amending ss. 257.193, 288.019, 288.06561, and 627.6699, F.S.; conforming cross-references; providing an effective date.

—which was previously considered this day.

MOTION

On motion by Senator Siplin, the rules were waived to allow the following amendments to be considered:

Senator Siplin moved the following amendments which were adopted by two-thirds vote:

Amendment 1 (372540)(with title amendment)—Between line(s) 1479 and 1480, insert:

The Office of Tourism, Trade, and Economic Development shall adopt rules regarding incentives for a grantee in purchasing goods and services from vendors in this state, including requiring the grantee to maintain a policy of making purchases from distributors and vendors located in enterprise zones as defined in s. 290.0065 and requiring the grantee to

establish and maintain policies to promote supplier diversity of Florida entities using the guidelines developed by the Office of Supplier Diversity under s. 287.09451. The Office of Tourism, Trade, and Economic Development shall adopt rules requiring the grantee to submit data on activities and performance during each fiscal year regarding the purchases of goods and services from vendors in this state, including the use of distributors and vendors located in enterprise zones as defined in s. 290.0065 and the fulfillment of policies to promote supplier diversity of Florida entities using the guidelines developed by the Office of Supplier Diversity under s. 287.09451.

And the title is amended as follows:

On line(s) 68, after the semicolon (;) insert: requiring the Office of Tourism, Trade, and Economic Development to adopt rules regarding incentives for the purchases of goods and services in this state and to require the grantee to submit data on activities and performance regarding the purchase of goods and services in this state;

Amendment 2 (525722)(with title amendment)—Between line(s) 1154 and 1155, insert:

(12) *The Office of Tourism, Trade, and Economic Development shall adopt rules regarding incentives for the making of purchases of goods and services from vendors in this state, including requiring the grantee to maintain a policy of making purchases from distributors and vendors located in enterprise zones as defined in s. 290.0065, and requiring the grantee to establish and maintain policies to promote supplier diversity of Florida entities using the guidelines developed by the Office of Supplier Diversity under s. 287.09451.*

(13) *The Office of Tourism, Trade, and Economic Development shall adopt rules requiring the grantee to submit data on activities and performance during each fiscal year regarding the purchases of goods and services from vendors in this state, including the use of distributors and vendors located in enterprise zones as defined in s. 290.0065, and the fulfillment of policies to promote supplier diversity of Florida entities using the guidelines developed by the Office of Supplier Diversity under s. 287.09451.*

And the title is amended as follows:

On line(s) 55, after the semicolon (;) insert: requiring the Office of Tourism, Trade, and Economic Development to adopt rules regarding incentives for the purchases of goods and services in this state and to require the grantee to submit data on activities and performance regarding the purchases of goods and services in this state;

On motion by Senator Fasano, **CS for SB 2778** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

Mr. President	Gaetz	Peaden
Alexander	Garcia	Posey
Atwater	Geller	Rich
Baker	Haridopolos	Ring
Bullard	Hill	Saunders
Carlton	Jones	Siplin
Constantine	Joyner	Storms
Crist	Justice	Villalobos
Dean	King	Webster
Deutch	Lawson	Wilson
Dockery	Lynn	Wise
Fasano	Oelrich	

Nays—None

Vote after roll call:

Yea—Aronberg, Diaz de la Portilla

CS for CS for SB 2712—A bill to be entitled An act relating to trust funds; creating s. 288.0971, F.S.; creating the Building Florida's Future Revolving Trust Fund within the Office of Tourism, Trade, and Economic Development; providing the purpose of the fund; providing for an annual carryforward of funds; providing for future review and termina-

tion or re-creation of the trust fund; providing a contingent effective date.

—was read the third time by title.

On motion by Senator Fasano, **CS for CS for SB 2712** was passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—32

Mr. President	Gaetz	Oelrich
Atwater	Garcia	Peaden
Baker	Geller	Posey
Bullard	Haridopolos	Rich
Carlton	Hill	Ring
Constantine	Jones	Saunders
Crist	Joyner	Siplin
Dean	Justice	Villalobos
Deutch	King	Wilson
Dockery	Lawson	Wise
Fasano	Lynn	

Nays—None

Vote after roll call:

Yea—Alexander, Aronberg, Diaz de la Portilla, Storms, Webster

CS for CS for CS for SB 2158—A bill to be entitled An act relating to money services businesses; changing the name of money transmitters to money services businesses; requiring licensure rather than registration; amending s. 560.103, F.S.; revising definitions; defining the terms “affiliated party,” “branch office,” “cashing,” “compliance officer,” “electronic instrument,” “financial audit report,” “foreign affiliate,” “licensee,” “location,” “monetary value,” “net worth,” “outstanding money transmission,” and “stored value”; amending s. 560.104, F.S.; revising provision providing exemptions from ch. 560, F.S.; amending s. 560.105, F.S.; revising provisions relating to the powers of the Office of Financial Regulation and the Financial Services Commission; amending s. 560.109, F.S.; revising provisions relating to examinations and investigations conducted by the office; requiring that the office periodically examine each licensee and each new licensee within 6 months after issuing a license; requiring the office to report certain violations to a criminal investigatory agency; requiring that the office annually report to the Legislature information concerning investigations and examinations and the total amount of fines assessed and collected; requiring records in a language other than English to be translated; creating s. 560.1091, F.S.; authorizing the office to contract with third parties to conduct examinations; authorizing the commission to adopt rules relating to who can conduct examinations and the rates charged; creating s. 560.1092, F.S.; requiring persons examined to pay the expenses of examination as set by rule of the commission; providing for the deposit of funds collected from licensees; requiring payment for travel expenses and living expenses and compensation for persons making the examinations from such funds or from funds budgeted for such purposes; creating s. 560.110, F.S.; providing for record retention by licensees; amending s. 560.111, F.S.; revising the list of prohibited acts by a money services business; amending s. 560.113, F.S.; providing for the establishment of a receivership or the payment of restitution by a person found to have violated ch. 560, F.S.; amending s. 560.114, F.S.; revising grounds for the disciplinary actions; creating s. 560.1141, F.S.; authorizing the commission to adopt disciplinary guidelines for imposing penalties for violations; providing for mitigating and aggravating circumstances; amending s. 560.115, F.S.; revising provisions relating to the voluntary surrender of a license; amending s. 560.116, F.S.; revising provisions relating to the granting of immunity for providing information about alleged violations of ch. 560, F.S.; amending s. 560.118, F.S.; revising provisions relating to required reports; deleting an exemption from the requirement to file an annual financial report; transferring, renumbering, and amending s. 560.119, F.S.; revising provisions providing for the deposit of fees and assessments; amending s. 560.121, F.S.; revising restriction on access to records held by a court or the Legislature; amending s. 560.123, F.S.; revising provisions relating to the Florida Control of Money Laundering in Money Services Business; creating s. 560.1235, F.S.; requiring a licensee to comply with state and federal anti-money laundering laws and rules; amending s. 560.124, F.S.; revising provisions relating to sharing reported information; amending s. 560.125,

F.S.; revising provisions relating to unlicensed activity; amending s. 560.126, F.S.; revising provisions relating to certain notice requirements by a licensee; amending s. 560.127, F.S.; revising provisions relating to the control of a money services business; amending s. 560.128, F.S.; revising provisions relating to customer contacts and license display; amending s. 560.129, F.S.; revising provisions relating to the confidentiality of certain records; creating s. 560.140, F.S.; providing licensing standards for a money services business; creating s. 560.141, F.S.; providing for a license application; creating s. 560.142, F.S.; providing for license renewal; creating s. 560.143, F.S.; providing for license fees; amending s. 560.203, F.S.; revising the exemption from licensure for authorized vendors of a money services business; amending s. 560.204, F.S.; revising provisions relating to the requirement for licensure of money transmitters or sellers of payment instruments under part II of ch. 560, F.S.; amending s. 560.205, F.S.; providing additional requirements for a license application; amending s. 560.208, F.S.; revising provisions relating to the conduct of a licensee; creating s. 560.2085, F.S.; providing requirements for authorized vendors; amending s. 560.209, F.S.; revising provisions relating to a licensee's net worth and the filing of a corporate surety bond; requiring a financial audit report; increasing the upper limit of the bond; deleting the option of waiving the bond; amending s. 560.210, F.S.; revising provisions relating to permissible investments; amending s. 560.211, F.S.; revising provisions relating to required recordkeeping under part II of ch. 560, F.S.; amending s. 560.212, F.S.; revising provisions relating to licensee liability; amending s. 560.213, F.S.; revising provisions relating information that must be printed on a payment instrument; amending s. 560.303, F.S.; revising provisions relating to the licensure of check cashers under part II of ch. 560, F.S.; amending s. 560.304, F.S.; revising provisions relating to exemptions from licensure; limiting the exemption for the payment of instruments below a certain value and incidental to certain retail sales; amending s. 560.309, F.S.; revising provisions relating to the conduct of check cashers; providing additional requirements; amending s. 560.310, F.S.; revising requirements for licensee records; specifying the maintenance of identification records for certain customers; amending s. 560.402, F.S.; revising definitions relating to deferred presentment providers; amending s. 560.403, F.S.; revising provisions relating to the licensing requirements for deferred presentment providers; amending s. 560.404, F.S.; revising provisions relating to deferred presentment transactions; amending s. 560.405, F.S.; revising provisions relating to the redemption or deposit of a deferred presentment transaction; amending s. 560.406, F.S.; revising provisions relating to worthless checks; amending ss. 499.005, 499.0691, 501.95, 538.03, 896.101, 896.104, and 921.0022, F.S.; conforming cross-references; repealing s. 560.101, F.S., relating to a short title; repealing s. 560.102, F.S., relating to purpose and application; repealing s. 560.106, F.S., relating to chapter constructions; repealing s. 560.1073, F.S., relating to false or misleading statements or documents; repealing s. 560.108, F.S., relating to administrative enforcement guidelines; repealing s. 560.112, F.S., relating to disciplinary action procedures; repealing s. 560.117, F.S., relating to administrative fines; repealing s. 560.200, F.S., relating to a short title; repealing s. 560.202, F.S., relating to definitions; repealing s. 560.206, F.S., relating to the investigation of applicants; repealing s. 560.207, F.S., relating to registration; repealing s. 560.301, F.S., relating to a short title; repealing s. 560.302, F.S., relating to definitions; repealing s. 560.305, F.S., relating to application for registration; repealing s. 560.306, F.S., relating to standards; repealing s. 560.307, F.S., relating to fees; repealing s. 560.308, F.S., relating to registration; repealing s. 560.401, F.S., relating to a short title; repealing s. 560.407, F.S., relating to required records; providing an effective date.

—as amended April 16 was read the third time by title.

On motion by Senator Storms, **CS for CS for CS for SB 2158** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Crist	Geller
Alexander	Dean	Haridopolos
Aronberg	Deutch	Hill
Atwater	Diaz de la Portilla	Jones
Baker	Dockery	Joyner
Bullard	Fasano	Justice
Carlton	Gaetz	King
Constantine	Garcia	Lawson

Lynn	Rich	Villalobos
Margolis	Ring	Webster
Oelrich	Saunders	Wilson
Peaden	Siplin	Wise
Posey	Storms	

Nays—None

Consideration of **CS for CS for SB's 556 and 748** was deferred.

CS for CS for SB 682—A bill to be entitled An act relating to the Department of Transportation; requiring the department to conduct a study of transportation alternatives for the Interstate 95 corridor; providing an effective date.

—was read the third time by title.

On motion by Senator Bullard, **CS for CS for SB 682** was passed and certified to the House. The vote on passage was:

Yeas—34

Mr. President	Fasano	Peaden
Alexander	Gaetz	Posey
Atwater	Geller	Rich
Baker	Haridopolos	Ring
Bullard	Hill	Saunders
Carlton	Joyner	Siplin
Constantine	Justice	Storms
Crist	King	Webster
Dawson	Lawson	Wilson
Dean	Lynn	Wise
Deutch	Margolis	
Diaz de la Portilla	Oelrich	

Nays—4

Dockery	Jones	Villalobos
Garcia		

CS for SB 2438—A bill to be entitled An act relating to informed consent for spaceflight; creating part III of ch. 331, F.S.; providing definitions; providing immunity from liability for injury to or death of certain participants in spaceflight activities if specified informed consent requirements are complied with; providing exceptions; requiring each participant to sign a warning statement; providing minimum requirements for a warning statement; providing for future expiration of the act; providing an effective date.

—was read the third time by title.

On motion by Senator Posey, **CS for SB 2438** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dockery	Margolis
Alexander	Fasano	Oelrich
Aronberg	Gaetz	Peaden
Atwater	Garcia	Posey
Baker	Geller	Rich
Bullard	Haridopolos	Ring
Carlton	Hill	Saunders
Constantine	Jones	Siplin
Crist	Joyner	Storms
Dawson	Justice	Villalobos
Dean	King	Webster
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise

Nays—None

CS for SB 1096—A bill to be entitled An act relating to the production and shipment of wine; creating s. 561.222, F.S.; authorizing the direct shipment of wine into and within this state for personal consumption only; providing legislative intent; requiring licensure of winery shippers by the Division of Alcoholic Beverages and Tobacco; providing license requirements; requiring recipients of a direct shipment of wine to be 21 years of age; requiring proof of age and the signature of a recipient; providing for the payment of taxes, a monthly report, and recordkeeping by winery shippers; providing requirements for common carriers that make deliveries of wine; providing administrative and criminal penalties for violations of the act; authorizing the division and the Department of Revenue to adopt rules; amending ss. 561.24, 561.54, 561.545, and 564.045, F.S.; conforming provisions to changes made by the act; amending s. 599.004, F.S.; revising requirements for qualifying as a certified Florida Farm Winery; providing for severability; providing an effective date.

—as amended April 16 was read the third time by title.

On motion by Senator Margolis, CS for SB 1096 as amended was passed and certified to the House. The vote on passage was:

Yeas—37

Table with 3 columns: Name, Fasano, Peaden. Lists names of senators and their corresponding votes.

Nays—1

Dockery

Vote after roll call:

Yea—Garcia

CS for SB 590—A bill to be entitled An act relating to pari-mutuel wagering; amending s. 550.01215, F.S.; deleting an exception to requirements for the Division of Pari-mutuel Wagering with respect to issuing licenses; amending s. 550.0251, F.S.; requiring the division to adopt rules governing the humane treatment of racing animals at pari-mutuel facilities; amending s. 550.0951, F.S.; providing for monthly payments of the daily license fee and taxes; amending s. 550.09511, F.S.; deleting provisions requiring a biweekly period for the payment of jai alai taxes; amending s. 550.09514, F.S.; deleting provisions requiring a biweekly period for the payment of greyhound dogracing taxes; amending s. 550.105, F.S.; revising provisions requiring certain persons to purchase a 3-year occupational license; providing for license fees to be set by rule of the division; defining the term “convicted” for purposes of licensing provisions; providing for the validity of a temporary occupational license; deleting certain signature requirements; amending s. 550.2415, F.S.; requiring that the division adopt rules for the welfare of racing animals; providing that a penalty imposed by the division does not prohibit criminal prosecution for cruelty to animals; amending s. 550.5251, F.S.; deleting the annual thoroughbred race dates for specified permit-holders; establishing racing dates for thoroughbred meets; deleting provisions requiring summer thoroughbred horse racing permits; deleting expired permit provisions for the 2001-2002 thoroughbred licenses; deleting expired provisions relating to failure to operate all thoroughbred performances; amending s. 551.106, F.S.; providing for monthly payments of the tax on slot machine revenues; repealing s. 550.3605, F.S., relating to a requirement for a permit in order to use electronic transmitting equipment at a pari-mutuel facility; repealing s. 550.71, F.S., relating to the operation of chapter 96-364, Laws of Florida; amending s. 849.086, F.S.; limiting a cardroom license to one per location; changing the hours of operation of cardrooms; amending ss. 772.102 and 895.02, F.S., relating to civil and criminal penalty provisions; conforming cross-references; providing an effective date.

—as amended April 16 was read the third time by title.

MOTION

On motion by Senator Jones, the rules were waived to allow the following amendment to be considered:

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

Amendment 1 (420674)(with title amendment)—Delete line(s) 435-438 and insert: permit or as otherwise authorized by law. Cardroom operations shall not be allowed beyond the hours provided in subsection (b) regardless of the number of cardroom licenses issued for permit-holders operating at the pari-mutuel facility.

And the title is amended as follows:

Delete line(s) 37 and insert: F.S.; limiting the hours of cardrooms operations;

On motion by Senator Jones, CS for SB 590 as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—30

Table with 3 columns: Name, Diaz de la Portilla, Lawson. Lists names of senators and their corresponding votes.

Nays—8

Table with 3 columns: Name, Peaden, Webster. Lists names of senators and their corresponding votes.

Vote after roll call:

Yea to Nay—Baker, Constantine

SB 2474—A bill to be entitled An act relating to a review of the Department of Agriculture and Consumer Services under the Florida Government Accountability Act; reenacting s. 20.14(2)(e), (j), and (m), F.S., relating to the divisions of licensing, standards, and consumer services of the department; providing an effective date.

—was read the third time by title.

On motion by Senator Diaz de la Portilla, SB 2474 was passed and certified to the House. The vote on passage was:

Yeas—37

Table with 3 columns: Name, Gaetz, Peaden. Lists names of senators and their corresponding votes.

Nays—None

Vote after roll call:

Yea—Baker

CS for SB 630—A bill to be entitled An act relating to motor vehicle registration; amending s. 320.02, F.S.; allowing an applicant for a motor vehicle registration or renewal to make a voluntary contribution to Family First; amending s. 322.08, F.S.; allowing an applicant for a driver’s license to make a voluntary contribution to Family First; amending s. 322.18, F.S.; requiring the driver license application form for renewal issuance or renewal extension to include an option to make a voluntary contribution to Family First; providing an effective date.

—was read the third time by title.

On motion by Senator Fasano, **CS for SB 630** was passed and certified to the House. The vote on passage was:

Yeas—21

Mr. President	Gaetz	Margolis
Alexander	Haridopolos	Peaden
Atwater	Hill	Posey
Baker	Joyner	Siplin
Dawson	Justice	Storms
Dean	Lawson	Wilson
Fasano	Lynn	Wise

Nays—15

Aronberg	Dockery	Oelrich
Bullard	Garcia	Rich
Constantine	Geller	Ring
Deutch	Jones	Saunders
Diaz de la Portilla	King	Villalobos

Vote after roll call:

Yea—Crist, Webster

Nay to Yea—Bullard

CS for CS for CS for SB 392—A bill to be entitled An act relating to transparency in government contracts; creating s. 218.315, F.S.; defining the terms “contract,” “corporation,” “county officer,” “local government,” and “individual,” for purposes of the act; providing that contractual rights of local government employees and retirees who are members of the Florida Retirement System or a local government retirement system are not considered contracts; directing the Department of Financial Services to develop and maintain a portal linking to websites maintained by local governments; requiring local governments that have a website to electronically post contract information relating to certain contracts; providing that portions of a public record which are confidential and exempt shall be redacted prior to posting; requiring that access to the website be provided at no cost; requiring that electronic copies of contracts be provided in certain circumstances; requiring the Department of Financial Services to develop a uniform format to be used by local governments when posting contract information; requiring specific information be provided under the uniform format; requiring each local government to designate a central office to maintain all contract information; providing reporting requirements for local governments without a website; requiring that contract information be posted at least quarterly using the uniform format; establishing a schedule for local governments to meet requirements of the act; providing rulemaking authority; defining the terms “contract,” “corporation,” “expenditure” and “individual” for purposes of state government contract reporting; providing that contractual rights of state employees and retirees who are members of the Florida Retirement System are not considered contracts; directing the Executive Office of the Governor to develop and maintain a portal linking to the state agency contract expenditures report maintained by the Department of Financial Services; directing the department of develop and maintain a contract information report containing specified information; directing that the report be maintained by the department in a searchable website; directing that access to the website be provided at no charge to a user who has Internet access; directing each state agency to record information relating to contracts between the agency and a corporation or an individual; directing each agency to record payment information on specified contracts in the Florida Accounting and Information Resources contract subsystem; requiring that electronic copies of contracts be provided in certain circumstances; providing that portions of public records which are confidential and exempt from in-

spection and copying shall be redacted prior to posting; providing an effective date.

—was read the third time by title.

On motion by Senator Storms, **CS for CS for CS for SB 392** was passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Dockery	Peaden
Alexander	Gaetz	Posey
Aronberg	Garcia	Rich
Atwater	Geller	Ring
Baker	Haridopolos	Saunders
Bullard	Hill	Siplin
Carlton	Jones	Storms
Constantine	Joyner	Villalobos
Crist	Justice	Webster
Dawson	King	Wilson
Dean	Lawson	Wise
Deutch	Lynn	
Diaz de la Portilla	Margolis	

Nays—1

Oelrich

Vote after roll call:

Yea—Fasano

CS for SB 794—A bill to be entitled An act relating to the excavation and demolition notification system; amending s. 556.105, F.S.; prohibiting charging a member operator for the costs or expenses associated with compliance with system procedures by an excavator; prohibiting charging an excavator for the costs or expenses associated with compliance with system procedures by a member operator; providing for application; providing an effective date.

—was read the third time by title.

On motion by Senator Aronberg, **CS for SB 794** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dockery	Margolis
Alexander	Fasano	Oelrich
Aronberg	Gaetz	Peaden
Atwater	Garcia	Posey
Baker	Geller	Rich
Bullard	Haridopolos	Ring
Carlton	Hill	Saunders
Constantine	Jones	Siplin
Crist	Joyner	Storms
Dawson	Justice	Villalobos
Dean	King	Webster
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise

Nays—None

THE PRESIDENT PRESIDING

SPECIAL ORDER CALENDAR

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

CS for CS for CS for SB 1544—A bill to be entitled An act relating to energy conservation; amending s. 74.051, F.S.; requiring a court to conduct a hearing and issue a final judgment on a petition for a taking within specified times after a utility’s request for such hearing; creating s. 112.219, F.S.; defining terms for purposes of the state employee telecommuting program; requiring each state employing entity to complete a telecommuting plan by a specified date which includes a listing of the

job classifications and positions that the state entity considers appropriate for telecommuting; providing requirements for the telecommuting plan; requiring each state employing entity to post the telecommuting plan on its website; amending s. 163.04, F.S.; revising provisions prohibiting restrictions on the use of energy devices based on renewable resources; amending s. 163.3177, F.S.; revising requirements for the future land use element of a local comprehensive plan to include energy-efficient land use patterns; requiring that the traffic-circulation element of incorporate transportation strategies to reduce greenhouse gas emissions; requiring each unit of local government within an urbanized area to amend the transportation element to incorporate transportation strategies addressing reduction in greenhouse gas emissions; amending s. 186.007, F.S.; authorizing the Executive Office of the Governor to include in the state comprehensive plan goals, objectives, and policies related energy and global climate change; amending s. 187.201, F.S.; adopting provisions of the State Comprehensive Plan concerning the development, siting, and use of low-carbon-emitting electric power plants; creating s. 193.804, F.S.; prohibiting the property appraiser from increasing the taxable value of homestead property when the taxpayer adds any solar energy device to the property; authorizing the property appraiser to refer the matter to the Department of Environmental Protection if the property appraiser questions whether a taxpayer is entitled, in whole or in part, to a solar energy device exemption; requiring the Department of Environmental Protection to adopt rules; amending s. 196.012, F.S.; deleting the definition of the term "renewable energy source device" or "device"; amending s. 206.43, F.S.; requiring each terminal supplier, importer, exporter, blender, and wholesaler to include the number of gallons of gasoline fuel which meet and fail to meet certain requirements in their monthly reports to the Department of Revenue; amending s. 212.08, F.S.; requiring that the Florida Energy and Climate Commission rather than the Department of Environmental Protection implement certain responsibilities concerning eligibility and application for the tax exemption; requiring the commission to adopt, by rule, an application form, including the required content and documentation to support the application, for the taxpayer to use in claiming the tax exemption; amending s. 220.192, F.S.; defining terms relating to a tax credit; allowing certain tax credits to be transferred for a specified period; providing procedures and requirements; authorizing the Department of Revenue to adopt rules; amending s. 220.193, F.S.; defining the terms "sale" or "sold" and "taxpayer"; providing legislative intent concerning retroactive application of certain renewable energy production tax credits; providing for the pass through of a renewable energy production tax credit under certain conditions; providing for retroactive application; amending s. 253.02, F.S.; authorizing the Secretary of Environmental Protection to grant easements across lands owned by the Board of Trustees of the Internal Improvement Trust Fund under certain conditions; amending s. 253.034, F.S.; granting a utility the use of non-sovereignty state-owned lands upon a showing of competent substantial evidence that the use is reasonable; establishing criteria relating to the title, distribution, and cost of such lands; amending s. 255.249, F.S.; requiring state agencies to annually provide telecommuting plans to the Department of Management Services; amending s. 255.251, F.S.; creating the "Florida Energy Conservation and Sustainable Buildings Act"; amending s. 255.252, F.S.; providing findings and legislative intent; providing that it is the policy of the state that buildings constructed and financed by the state, or existing buildings renovated by the state, be designed and constructed with a goal of meeting or exceeding the United States Green Building Council (USGBC) Leadership in Energy and Environmental Design (LEED) rating system, the Green Building Initiative's Green Globes rating system, or the Florida Green Building Coalition standards; requiring each state agency to identify and compile a list of energy-conservation projects that it determines are suitable for a guaranteed energy performance savings contract; amending s. 255.253, F.S.; defining terms relating to energy conservation for buildings; amending s. 255.254, F.S.; prohibiting a state agency from leasing or constructing a facility without having secured from the Department of Management Services an evaluation of life-cycle costs for the building; requiring certain leased buildings to have an energy performance analysis conducted; requiring the owner of any building leased by the state from the private sector to submit provisions for monthly energy use data to the department; amending s. 255.255, F.S.; requiring the department to use sustainable building ratings for conducting a life-cycle cost analysis; amending s. 255.257, F.S.; requiring that energy consumption and cost be reported to the department annually in a format prescribed by the department; providing duties of energy-management coordinators; requiring that the department of Management Services develop a state energy-management plan; requiring that state agencies adopt certain rating systems; prohibiting state agencies from entering into leasing

agreements for office space not meeting certain building standards; providing an exception; requiring that state agencies develop energy-conservation measures and guidelines for new and existing office space in which state agencies occupy greater than a specified amount of square footage; providing requirements for such measures; creating s. 286.275, F.S.; requiring the Department of Management Services to develop the Florida Climate Friendly Preferred Products List; requiring state agencies to consult the list and purchase products from the list under certain circumstances; requiring state agencies to contract for meeting and conference space with facilities having the "Green Lodging" designation; authorizing the Department of Environmental Protection to adopt rules; requiring the department to establish voluntary technical assistance programs for various businesses; requiring state agencies to maintain vehicles according to minimum standards and follow certain procedures when procuring new vehicles; requiring state agencies to use ethanol and biodiesel-blended fuels when available; amending s. 287.063, F.S.; prohibiting the payment term for equipment from exceeding the useful life of the equipment unless the contract provides for the replacement or the extension of the useful life of the equipment during the term of the deferred payment contract; amending s. 287.064, F.S.; authorizing an extension of the master equipment financing agreement for energy conservation equipment; requiring the guaranteed energy, water, and wastewater performance savings contractor to provide for the replacement or the extension of the useful life of the equipment during the term of the contract; amending s. 287.16, F.S.; requiring the Department of Management Services to conduct an analysis of the Department of Transportation's ethanol and biodiesel use and encourage other state agencies to analyze transportation fuel usage and report such information to the Department of Management Services; amending s. 288.1089, F.S.; defining the term "alternative and renewable energy"; detailing the conditions for an alternative and renewable energy project to be eligible for an innovation incentive award; amending s. 337.401, F.S.; requiring the Department of Environmental Protection to adopt rules relating to the placement of and access to aerial and underground electric transmission lines having certain specifications; defining the term "base-load generating facilities"; amending s. 339.175, F.S.; requiring each metropolitan planning organization to develop a long-range transportation plan that, among other considerations, provides for sustainable growth and reduces greenhouse gas emissions; amending s. 366.82, F.S.; requiring the Public Service Commission to adopt rules requiring utilities to offset 20 percent of their annual load-growth through energy efficiency and conservation measures; requiring the commission to create an in-state market for tradable credits enabling those utilities that exceed the conservation standard to sell credits to those that cannot meet the standard for a given year; requiring that the commission conduct a periodic review; requiring the commission to require municipal and cooperative utilities that are exempt from the Energy Efficiency and Conservation Act to submit an annual report identifying energy efficiency and conservation goals and the actions taken to meet those goals; requiring that the Florida Energy and Climate Commission be a party in the proceedings to adopt goals and file with the Public Service Commission comments on the proposed goals; requiring the Public Service Commission to use certain methodologies in the evaluation of demand-side management programs; amending s. 366.8255, F.S.; redefining the term "environmental compliance costs" to include costs or expenses prudently incurred for scientific research and geological assessments of carbon capture and storage for the purpose of reducing an electric utility's greenhouse gas emissions; amending s. 366.92, F.S.; providing definitions; requiring the commission to adopt a renewable portfolio standard by rule; requiring that the rule be ratified by the Legislature; providing that the rule must be submitted for legislative approval by February 1, 2009; specifying criteria for the rule development; allowing for full cost recovery of certain reasonable and prudent costs prior to the ratification of the rule; requiring each municipal electric utility and rural electric cooperative to develop standards for the use of renewable energy resources and energy conservation measures and submit a report to the Public Service Commission which identifies such standards; amending s. 366.93, F.S.; revising the definitions of "cost" and "preconstruction"; requiring the Public Service Commission to establish rules relating to cost recovery for the construction of new, expanded, or relocated electrical transmission lines and facilities for a nuclear power plant; amending s. 377.601, F.S.; revising legislative intent with respect to the need to implement alternative energy technologies; creating s. 377.6015, F.S.; creating the Florida Energy and Climate Commission; providing for appointment and qualifications of members; providing for meetings, duties, and authority of the commission; amending s. 377.602, F.S.; providing a definition; amending s. 377.605, F.S.; transferring duties on energy data collection from the Department of Environmental Protection to the Florida Energy and

Climate Commission; amending ss. 377.604, 377.605, and 377.606, F.S.; making conforming changes; amending s. 377.703, F.S.; providing for additional duties of the Florida Energy and Climate Commission; conforming cross-references; amending s. 377.803, F.S.; providing definitions; providing the statutory reference to the definition of the term "biomass"; amending s. 377.804, F.S.; providing for administration of the Renewable Energy and Energy-Efficient Technologies Grant Program by the Florida Energy and Climate Commission rather than the Department of Environmental Protection; providing for the program to include matching grants for technologies that increase the energy efficiency of vehicles and commercial buildings; providing application requirements; repealing s. 377.804(6), F.S., relating to bioenergy projects; amending s. 377.806, F.S.; providing for administration of the Solar Energy System Incentives Program by the Florida Energy and Climate Commission rather than the Department of Environmental Protection; requiring compliance with the Florida Building Code rather than local codes in order to be eligible for a rebate under the program; creating s. 377.808, F.S.; creating the Florida Green Government Grants Act; providing a short title; requiring the Florida Energy and Climate Commission within the Executive Office of the Governor to award grants to assist local governments in the development of programs that achieve green standards; requiring the commission to adopt rules; providing requirements for the rules; limiting a certain number of grant applications made by a local government; limiting the number of active projects that may be conducted by a local government; requiring the commission to perform an overview of each grant; repealing s. 377.901, F.S., relating to the Florida Energy Commission; transferring the State Energy Program from the Department of Environmental Protection to the Florida Energy and Climate Commission; creating s. 377.921, F.S., relating to qualified solar energy systems; providing definitions; allowing a public utility to recover certain costs; amending ss. 380.23 and 403.031, F.S.; conforming cross-references; creating s. 403.44, F.S.; creating the Florida Climate Protection Act; defining terms; requiring the Department of Environmental Protection to establish the methodologies, reporting periods, and reporting systems that must be used when major emitters report to The Climate Registry; authorizing the department to adopt rules for a cap-and-trade regulatory program to reduce greenhouse gas emissions from major emitters; providing for the content of the rule; amending s. 403.503, F.S.; defining the term "alternate corridor" and redefining the term "corridor" for purposes of the Florida Electrical Power Plant Siting Act; amending s. 403.504, F.S.; requiring the Department of Environmental Protection to determine whether a proposed alternate corridor is acceptable; amending s. 403.506, F.S.; revising the thresholds and applicability standards of the Florida Electrical Power Plant Siting Act; deleting a provision that exempts from the act a steam generating plant; exempting from the act the associated facilities of an electrical power plant; exempting an electric utility from obtaining certification under the Florida Electrical Power Plant Siting Act before constructing facilities for a power plant using nuclear materials as fuel; providing that a utility may obtain separate licenses, permits, and approvals for such construction under certain circumstances; exempting such provisions from review under ch. 120, F.S.; amending s. 403.5064, F.S.; requiring an applicant to submit a statement to the department if such applicant opts for consideration of alternate corridors; amending s. 403.50665, F.S.; requiring an application to include a statement on the consistency of directly associated facilities constituting a "development"; requiring the Department of Environmental Protection to address at the certification hearing the issue of compliance with land use plans and zoning ordinances for a proposed substation located in or along an alternate corridor; amending s. 403.509, F.S.; requiring the Governor and Cabinet sitting as the siting board to certify the corridor having the least adverse impact; authorizing the board to deny certification or allow a party to amend its proposal; amending s. 403.5115, F.S.; requiring the applicant proposing the alternate corridor to publish all notices relating to the application; requiring that such notices comply with certain requirements; requiring that notices be published at least 45 days before the rescheduled certification hearing; amending s. 403.5175, F.S.; conforming a cross-reference; amending s. 403.518, F.S.; authorizing the Department of Environmental Protection to charge an application fee for an alternate corridor; amending s. 403.519, F.S., relating to determinations of need; conforming provisions to changes made by the act; amending s. 403.7031, F.S.; prohibiting a county or municipality from using in practice any definition inconsistent with certain statutes; creating s. 403.7055, F.S.; encouraging counties in the state to form regional solutions to the capture and reuse or sale of methane gas from landfills and wastewater treatment facilities; requiring the Department of Environmental Protection to provide guidelines and assistance; amending s. 403.814, F.S., relating to general permits; conforming provisions;

amending s. 489.145, F.S.; revising provisions of the Guaranteed Energy Performance Savings Contracting Act; renaming the act as the "Guaranteed Energy, Water, and Wastewater Performance Savings Contracting Act"; requiring that each proposed contract or lease contain certain agreements concerning operational cost-saving measures; redefining terms; defining the term "investment grade energy audit"; requiring that certain baseline information, supporting information, and documentation be included in contracts; requiring the office of the Chief Financial Officer to review contract proposals; providing audit requirements; requiring contract approval by the Legislature or Chief Financial Officer; creating s. 526.203, F.S.; providing definitions; requiring that on or after a specified date all gasoline sold in the state contain a specified percent of agriculturally derived denatured ethanol; providing for exemptions; creating s. 526.204, F.S.; providing for the requirements to be suspended during a declared emergency; providing an exemption if a supplier or other distributor is unable to obtain the required fuel at the same or lower price than the price of unblended gasoline; requiring that documentation be provided to the Department of Revenue; creating s. 526.205, F.S.; providing for enforcement of the requirement for gasoline content; providing penalties; providing for the Department of Revenue to grant an extension of time to comply with the requirement; creating s. 526.206, F.S.; authorizing the Department of Revenue and the Department of Agriculture and Consumer Services to adopt rules; requiring the Florida Energy Commission to conduct a study of the lifecycle greenhouse gas emissions associated with all renewable fuels; requiring a report to the Legislature by a specified date; amending s. 553.77, F.S.; authorizing the Florida Building Commission to implement recommendations relating to energy efficiency in residential and commercial buildings; creating s. 553.886, F.S.; requiring that the Florida Building Code facilitate and promote the use of certain renewable energy technologies in buildings; creating s. 553.9061, F.S.; requiring the Florida Building Commission to establish a schedule of increases in the energy performance of buildings subject to the Energy Efficiency Code for Building Construction; providing a process for implementing goals to increase energy-efficiency performance in new buildings; providing a schedule for the implementation of such goals; identifying energy-efficiency performance options and elements available to meet energy-efficiency performance requirements; providing a schedule for the review and adoption of renewable energy-efficiency goals by the commission; requiring the commission to conduct a study to evaluate the energy-efficiency rating of new buildings and appliances; requiring the commission to submit a report to the President of the Senate and the Speaker of the House of Representatives on or before a specified date; requiring the commission to conduct a study to evaluate opportunities to restructure the Florida Energy Code for Building Construction, including the integration of the Thermal Efficiency Code, the Energy Conservation Standards Act, and the Florida Building Energy-Efficiency Rating Act; requiring the commission to submit a report to the President of the Senate and the Speaker of the House of Representatives on or before a specified date; directing the Department of Community Affairs, in conjunction with the Florida Energy Affordability Council, to identify and review issues relating to the Low-Income Home Energy Assistance Program and the Weatherization Assistance Program; requiring the submission of a report to the President of the Senate and the Speaker of the House of Representatives on or before a specified date; providing for the expiration of certain study requirements; amending s. 553.957, F.S.; including certain home and commercial appliances in the requirements for testing and certification for meeting certain energy-conservation standards; amending s. 553.975, F.S.; conforming a cross-reference; requiring the Public Service Commission to analyze utility revenue decoupling and provide a report and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives by a specified date; amending s. 718.113, F.S.; authorizing the board of a condominium or a multi-condominium to install solar collectors, clotheslines, or other energy-efficient devices on association property; creating s. 1004.648, F.S.; establishing the Florida Energy Systems Consortium, consisting of specified state universities; providing membership and duties of the consortium; providing for an oversight board and steering committee; providing reporting requirements for the consortium by a date certain; authorizing the Department of Environmental Protection to require certain agreements to contain a stipulation requiring the return to the state of a portion of the profit resulting from commercialization of an energy-related product or process; requiring the department to conduct a study relating to the state earning a monetary return on energy-related products or processes through the use of negotiated or licensing agreements; requiring the department to submit the study to the Governor and the Legislature; requiring the Department of Environmental Protection, in conjunction with the Department of Agriculture and Consumer Services,

to conduct an economic impact analysis on the effect of granting financial incentives to energy producers who use woody biomass; requiring the department to submit the results to the Legislature; establishing a statewide solid waste reduction goal by a certain date; requiring the Department of Environmental Protection to develop a recycling program designed to meet that goal; requiring the Department of Environmental Protection to prepare a report relating to the costs and benefits of implementing a cap-and-trade system to trade emission credits; requiring the department to present the report to the Governor, the President of the Senate, and the Speaker of the House of Representatives; describing certain specified issues to be included in the report; providing effective dates.

—which was previously considered and amended April 16. Pending **Amendment 6 (553502)** by Senator Saunders was adopted.

Senator Constantine moved the following amendments which were adopted:

Amendment 7 (526482)(with title amendment)—Delete line(s) 578-711 and insert:

Section 4. Paragraphs (a), (b), (d), (f), and (j) of subsection (6) of section 163.3177, Florida Statutes, are amended to read:

163.3177 Required and optional elements of comprehensive plan; studies and surveys.—

(6) In addition to the requirements of subsections (1)-(5) and (12), the comprehensive plan shall include the following elements:

(a) A future land use plan element designating proposed future general distribution, location, and extent of the uses of land for residential uses, commercial uses, industry, agriculture, recreation, conservation, education, public buildings and grounds, other public facilities, and other categories of the public and private uses of land. Counties are encouraged to designate rural land stewardship areas, pursuant to the provisions of paragraph (11)(d), as overlays on the future land use map. Each future land use category must be defined in terms of uses included, and must include standards for to be followed in the control and distribution of population densities and building and structure intensities. The proposed distribution, location, and extent of the various categories of land use shall be shown on a land use map or map series which shall be supplemented by goals, policies, and measurable objectives. The future land use plan shall be based upon surveys, studies, and data regarding the area, including the amount of land required to accommodate anticipated growth; the projected population of the area; the character of undeveloped land; the availability of water supplies, public facilities, and services; the need for redevelopment, including the renewal of blighted areas and the elimination of nonconforming uses which are inconsistent with the character of the community; the compatibility of uses on lands adjacent to or closely proximate to military installations; *the discouragement of urban sprawl; energy-efficient land use patterns accounting for existing and future electric power generation and transmission systems; greenhouse gas reduction strategies;* and, in rural communities, the need for job creation, capital investment, and economic development that will strengthen and diversify the community's economy. The future land use plan may designate areas for future planned development use involving combinations of types of uses for which special regulations may be necessary to ensure development in accord with the principles and standards of the comprehensive plan and this act. The future land use plan element shall include criteria to be used to achieve the compatibility of adjacent or closely proximate lands with military installations. In addition, for rural communities, the amount of land designated for future planned industrial use shall be based upon surveys and studies that reflect the need for job creation, capital investment, and the necessity to strengthen and diversify the local economies, and *may shall* not be limited solely by the projected population of the rural community. The future land use plan of a county may also designate areas for possible future municipal incorporation. The land use maps or map series shall generally identify and depict historic district boundaries and *shall* designate historically significant properties meriting protection. For coastal counties, the future land use element must include, without limitation, regulatory incentives and criteria that encourage the preservation of recreational and commercial working waterfronts as defined in s. 342.07. The future land use element must clearly identify the land use categories in which public schools are an allowable use. When delineating the land use categories in which public schools are an allowable use,

a local government shall include in the categories sufficient land proximate to residential development to meet the projected needs for schools in coordination with public school boards and may establish differing criteria for schools of different type or size. Each local government shall include lands contiguous to existing school sites, to the maximum extent possible, within the land use categories in which public schools are an allowable use. The failure by a local government to comply with these school siting requirements will result in the prohibition of the local government's ability to amend the local comprehensive plan, except for plan amendments described in s. 163.3187(1)(b), until the school siting requirements are met. Amendments proposed by a local government for purposes of identifying the land use categories in which public schools are an allowable use are exempt from the limitation on the frequency of plan amendments *provided contained* in s. 163.3187. The future land use element shall include criteria that encourage the location of schools proximate to urban residential areas to the extent possible and shall require that the local government seek to collocate public facilities, such as parks, libraries, and community centers, with schools to the extent possible and to encourage the use of elementary schools as focal points for neighborhoods. For schools serving predominantly rural counties, defined as a county with a population of 100,000 or fewer, an agricultural land use category *is shall be* eligible for the location of public school facilities if the local comprehensive plan contains school siting criteria and the location is consistent with such criteria. Local governments required to update or amend their comprehensive plan to include criteria and address compatibility of adjacent or closely proximate lands with existing military installations in their future land use plan element shall transmit the update or amendment to the department by June 30, 2006.

(b) A traffic circulation element consisting of the types, locations, and extent of existing and proposed major thoroughfares and transportation routes, including bicycle and pedestrian ways. Transportation corridors, as defined in s. 334.03, may be designated in the traffic circulation element pursuant to s. 337.273. If the transportation corridors are designated, the local government may adopt a transportation corridor management ordinance. *The traffic circulation element shall incorporate transportation strategies to address reduction in greenhouse gas emissions from the transportation sector.*

(d) A conservation element for the conservation, use, and protection of natural resources in the area, including air, water, water recharge areas, wetlands, waterwells, estuarine marshes, soils, beaches, shores, flood plains, rivers, bays, lakes, harbors, forests, fisheries and wildlife, marine habitat, minerals, and other natural and environmental resources, *including factors that affect energy conservation.* Local governments shall assess their current, as well as projected, water needs and sources for at least a 10-year period, considering the appropriate regional water supply plan approved pursuant to s. 373.0361, or, in the absence of an approved regional water supply plan, the district water management plan approved pursuant to s. 373.036(2). This information shall be submitted to the appropriate agencies. The land use map or map series contained in the future land use element shall generally identify and depict the following:

1. Existing and planned waterwells and cones of influence where applicable.
2. Beaches and shores, including estuarine systems.
3. Rivers, bays, lakes, flood plains, and harbors.
4. Wetlands.
5. Minerals and soils.
6. *Energy conservation.*

The land uses identified on such maps shall be consistent with applicable state law and rules.

(f)1. A housing element consisting of standards, plans, and principles to be followed in:

- a. The provision of housing for all current and anticipated future residents of the jurisdiction.
- b. The elimination of substandard dwelling conditions.

- c. The structural and aesthetic improvement of existing housing.
- d. The provision of adequate sites for future housing, including affordable workforce housing as defined in s. 380.0651(3)(j), housing for low-income, very low-income, and moderate-income families, mobile homes, and group home facilities and foster care facilities, with supporting infrastructure and public facilities.
- e. Provision for relocation housing and identification of historically significant and other housing for purposes of conservation, rehabilitation, or replacement.
- f. The formulation of housing implementation programs.
- g. The creation or preservation of affordable housing to minimize the need for additional local services and avoid the concentration of affordable housing units only in specific areas of the jurisdiction.
- h. ~~Energy efficiency in the design and construction of new housing~~ *By July 1, 2008, each county in which the gap between the buying power of a family of four and the median county home sale price exceeds \$170,000, as determined by the Florida Housing Finance Corporation, and which is not designated as an area of critical state concern shall adopt a plan for ensuring affordable workforce housing. At a minimum, the plan shall identify adequate sites for such housing. For purposes of this sub-subparagraph, the term "workforce housing" means housing that is affordable to natural persons or families whose total household income does not exceed 140 percent of the area median income, adjusted for household size.*
- i. ~~Use of renewable energy resources~~ *Failure by a local government to comply with the requirement in sub-subparagraph h. will result in the local government being ineligible to receive any state housing assistance grants until the requirement of sub-subparagraph h. is met.*

The goals, objectives, and policies of the housing element must be based on the data and analysis prepared on housing needs, including the affordable housing needs assessment. State and federal housing plans prepared on behalf of the local government must be consistent with the goals, objectives, and policies of the housing element. Local governments are encouraged to ~~use~~ utilize job training, job creation, and economic solutions to address a portion of their affordable housing concerns. *By July 1, 2008, each county in which the gap between the buying power of a family of four and the median county home sale price exceeds \$170,000, as determined by the Florida Housing Finance Corporation, and which is not designated as an area of critical state concern, shall adopt a plan for ensuring affordable workforce housing. At a minimum, the plan shall identify adequate sites for such housing. For purposes of this subparagraph, the term "workforce housing" means housing that is affordable to natural persons or families whose total household income does not exceed 140 percent of the area median income, adjusted for household size. Failure by a local government to comply with this requirement to adopt a plan for ensuring affordable workforce housing will result in the local government being ineligible to receive any state housing assistance grants until this requirement is met.*

2. To assist local governments in housing data collection and analysis and assure uniform and consistent information regarding the state's housing needs, the state land planning agency shall conduct an affordable housing needs assessment for all local jurisdictions on a schedule that coordinates the implementation of the needs assessment with the evaluation and appraisal reports required by s. 163.3191. Each local government shall utilize the data and analysis from the needs assessment as one basis for the housing element of its local comprehensive plan. The agency shall allow a local government the option to perform its own needs assessment, if it uses the methodology established by the agency by rule.

(j) For each unit of local government within an urbanized area designated for purposes of s. 339.175, a transportation element, which shall be prepared and adopted in lieu of the requirements of paragraph (b) and paragraphs (7)(a), (b), (c), and (d) and which shall address the following issues:

- 1. Traffic circulation, including major thoroughfares and other routes, including bicycle and pedestrian ways.
- 2. All alternative modes of travel, such as public transportation, pedestrian, and bicycle travel.

- 3. Parking facilities.
- 4. Aviation, rail, seaport facilities, access to those facilities, and intermodal terminals.
- 5. The availability of facilities and services to serve existing land uses and the compatibility between future land use and transportation elements.
- 6. The capability to evacuate the coastal population ~~before~~ *prior to* an impending natural disaster.
- 7. Airports, projected airport and aviation development, and land use compatibility around airports.
- 8. An identification of land use densities, building intensities, and transportation management programs to promote public transportation systems in designated public transportation corridors so as to encourage population densities sufficient to support such systems.
- 9. May include transportation corridors, as defined in s. 334.03, intended for future transportation facilities designated pursuant to s. 337.273. If transportation corridors are designated, the local government may adopt a transportation corridor management ordinance.
- 10. *The incorporation of transportation strategies to address reduction in greenhouse gas emissions from the transportation sector.*

And the title is amended as follows:

Delete line(s) 17-25 and insert: amending s. 163.3177, F.S.; revising requirements for the future land use element of a local comprehensive plan; requiring that the traffic-circulation element incorporate transportation strategies to reduce greenhouse gas emissions; revising the conservation element of a local comprehensive plan to include factors that affect energy conservation; requiring a land use map of future land use to depict energy conservation; revising the standards, plans, and principles of the housing element of a local comprehensive plan; requiring each unit of local government within an urbanized area to amend the transportation element to incorporate transportation strategies addressing reduction in greenhouse gas emissions; amending s. 186.007, F.S.;

Amendment 8 (835148)(with title amendment)—Between line(s) 4223 and 4224, insert:

Section 73. Section 553.901, Florida Statutes, is amended to read:

553.901 Purpose of thermal efficiency code.—The Department of Community Affairs shall prepare a thermal efficiency code to provide for a statewide uniform standard for energy efficiency in the thermal design and operation of all buildings statewide, consistent with energy conservation goals, and to best provide for public safety, health, and general welfare. The Florida Building Commission shall adopt the Florida Energy Efficiency Code for Building Construction within the Florida Building Code, and shall modify, revise, update, and maintain the code to implement the provisions of this thermal efficiency code and amendments thereto, in accordance with the procedures of chapter 120. The department shall, at least triennially, determine the most cost-effective energy-saving equipment and techniques available and report its determinations to the commission, which shall update the code to incorporate such equipment and techniques. The proposed changes shall be made available for public review and comment no later than 6 months prior to code implementation. *Before adoption of any additional amendments to the Florida Energy Efficiency Code for Building Construction, the commission shall adopt by rule a definition of the term "cost-effective," for the purposes of this part, which shall include the criteria and measures to be used by the commission to evaluate proposed amendments shall be construed to mean cost-effective to the consumer.*

And the title is amended as follows:

On line(s) 346, after the first semicolon (;) insert: amending s. 553.901, F.S.; requiring the commission to adopt by rule a definition of the term "cost effective";

Amendment 9 (460762)(with title amendment)—Delete lines 4468-4482 and insert:

Section 84. *Recycling.*—

(1) *The Legislature finds that the failure or inability to economically recover material and energy resources from solid waste results in the unnecessary waste and depletion of our natural resources. As Florida continues to grow, so will the potential amount of discarded material that must be treated and disposed of, necessitating the improvement of solid waste collection and disposal. Therefore, the maximum recycling and reuse of such resources are considered high-priority goals of this state.*

(2) *By the year 2020, the long-term goal for the recycling efforts of state and local governmental entities, private companies and organizations, and the general public is to reduce the amount of recyclable solid waste disposed of in waste management facilities, landfills, or incineration facilities by a statewide average of at least 75 percent.*

(3) *The Department of Environmental Preservation shall develop a comprehensive recycling program that is designed to achieve the percentage stated in subsection (2) and submit the program to the President of the Senate and the Speaker of the House of Representatives by January 1, 2010. The program may not be implemented until approved by the Legislature. The program must be developed in coordination with input from state and local entities, private businesses, and the public. Under the program, recyclable materials shall include, but are not limited to, metals, paper, glass, plastic, textile, rubber materials, and mulch. Components of the program shall include, but are not limited to:*

(a) *Programs to identify environmentally preferable purchasing practices to encourage the purchase of recycled, durable, and less toxic goods;*

(b) *Programs to educate students in grades K-12 in the benefits of, and proper techniques for, recycling;*

(c) *Programs for statewide recognition of successful recycling efforts by schools, businesses, public groups, and private citizens;*

(d) *Programs for municipalities and counties to develop and implement efficient recycling efforts to return valuable materials to productive use, conserve energy, and protect natural resources;*

(e) *Programs by which the department can provide technical assistance to municipalities and counties in support of their recycling efforts;*

(f) *Programs to educate and train the public in proper recycling efforts;*

(g) *Evaluation of how financial assistance can best be provided to municipalities and counties in support of their recycling efforts; and*

(h) *Evaluation of why existing waste management and recycling programs in the state have not been better used.*

And the title is amended as follows:

Delete lines 411-414 and insert: results to the Legislature; providing legislative findings regarding recycling; providing for a long-term goal of reducing the amount of solid waste disposed of in the state by a certain percentage; requiring the Department of Environmental Protection to develop a comprehensive recycling program and submit such program to the Legislature by a specified date; requiring the Legislature's approval before implementing such program; requiring that such program be developed in coordination with other state and local entities, private businesses, and the public; requiring that the program contain certain components; requiring

MOTION

On motion by Senator Saunders, the rules were waived to allow the following amendments to be considered:

Senator Saunders moved the following amendments which were adopted:

Amendment 10 (182018)—Delete line(s) 435 and 436 and insert: *the petition is filed. The court shall issue its order of taking no more than 30 days after the conclusion of the hearing.*

Amendment 11 (113594)—Delete line(s) 1114-1182 and insert:

Section 12. Paragraphs (f) and (g) are added to subsection (2), and paragraphs (j) and (k) are added to subsection (3) of section 220.193, Florida Statutes, to read:

220.193 Florida renewable energy production credit.—

(2) As used in this section, the term:

(f) *“Sale” or “sold” includes the use of electricity by the producer of such electricity which decreases the amount of electricity that the producer would otherwise have to purchase.*

(g) *“Taxpayer” includes a general partnership, limited partnership, limited liability company, trust, or other artificial entity in which a corporation, as defined in s. 220.03(1)(e), owns an interest and is taxed as a partnership or is disregarded as a separate entity from the corporation under chapter 220.*

(3) An annual credit against the tax imposed by this section shall be allowed to a taxpayer, based on the taxpayer's production and sale of electricity from a new or expanded Florida renewable energy facility. For a new facility, the credit shall be based on the taxpayer's sale of the facility's entire electrical production. For an expanded facility, the credit shall be based on the increases in the facility's electrical production that are achieved after May 1, 2006.

(j) *When an entity treated as a partnership or a disregarded entity under this chapter produces and sells electricity from a new or expanded renewable energy facility, the credit earned by such entity shall pass through in the same manner as items of income and expense pass through for federal income tax purposes. When an entity applies for the credit and the entity has received the credit by a pass through, the application must identify the taxpayer that passed through the credit, all taxpayers that received the credit, the percentage of the credit, that passes through to each recipient, and provide other information that the department requires.*

(k) *A taxpayer's use of the credit granted pursuant to this section does not reduce the amount of any credit available to such taxpayer under s. 220.186.*

Section 13. *It is the intent of the Legislature that the amendments to s. 220.193, Florida Statutes; are remedial in nature and apply retroactively to the effective date of the law establishing the credit.*

(Redesignate subsequent section.)

Amendment 12 (396144)—Delete line(s) 1787-1822 and insert: *practicable alternative available for placement of the electric utility transmission lines on the department's rights-of-way, the department's rules shall provide for placement of and access to such transmission lines adjacent to and within the right-of-way of any department-controlled public roads, including longitudinally within limited access facilities to the greatest extent allowed by federal law, if compliance with the standards established by such rules is achieved. Such rules may include, but need not be limited to, that the use of the right-of-way is reasonable based upon a consideration of economic and environmental factors, including, without limitation, other practicable alternative alignments, utility corridors and easements, minimum clear zones and other safety standards, and further provide that placement of the electric utility transmission lines within the department's right-of-way does not interfere with operational requirements of the transportation facility or planned or potential future expansion of such transportation facility. If the department approves longitudinal placement of electric utility transmission lines in limited access facilities, compensation for the use of the right-of-way is required. Such consideration or compensation paid by the electric utility in connection with the department's issuance of a permit does not create any property right in the department's property regardless of the amount of consideration paid or the improvements constructed on the property by the utility. Upon notice by the department that the property is needed for expansion or improvement of the transportation facility, the electric utility transmission line will relocate from the facility at the electric utility's sole expense. The electric utility shall pay to the department reasonable damages resulting from the utility's failure or refusal to timely relocate its transmission lines. The rules to be adopted by the department may also address the compensation methodology and relocation. As used in this subsection, the term “base load generating*

Amendment 13 (675048)(with title amendment)—Between line(s) 2126 and 2127 insert:

Section 31. Section 366.91, Florida Statutes, is amended to read:

366.91 Renewable energy.—

(1) The Legislature finds that it is in the public interest to promote the development of renewable energy resources in this state. Renewable energy resources have the potential to help diversify fuel types to meet Florida's growing dependency on natural gas for electric production, minimize the volatility of fuel costs, encourage investment within the state, improve environmental conditions, and make Florida a leader in new and innovative technologies.

(2) As used in this section, the term:

(a) "Biomass" means a power source that is comprised of, but not limited to, combustible residues or gases from forest products manufacturing, waste, byproducts or products from agricultural and orchard crops, waste and co-products from livestock and poultry operations, waste and byproducts from and food processing, urban wood waste, municipal solid waste, municipal liquid waste treatment operations, and landfill gas.

(b) "Renewable energy" means electrical energy produced from a method that uses one or more of the following fuels or energy sources: hydrogen produced from sources other than fossil fuels, biomass, solar energy, geothermal energy, wind energy, ocean energy, and hydroelectric power. The term includes the alternative energy resource, waste heat, from sulfuric acid manufacturing operations.

(c) "Customer-owned renewable generation" means an electric generating system located on a customer's premises that is primarily intended to offset part or all of the customer's electricity requirements with renewable energy.

(d) "Net metering" means a metering and billing methodology whereby customer-owned renewable generation is allowed to offset the customer's electricity consumption on-site.

(3) On or before January 1, 2006, each public utility must continuously offer a purchase contract to producers of renewable energy. The commission shall establish requirements relating to the purchase of capacity and energy by public utilities from renewable energy producers and may adopt rules to administer this section. The contract shall contain payment provisions for energy and capacity which are based upon the utility's full avoided costs, as defined in s. 366.051; however, capacity payments are not required if, due to the operational characteristics of the renewable energy generator or the anticipated peak and off-peak availability and capacity factor of the utility's avoided unit, the producer is unlikely to provide any capacity value to the utility or the electric grid during the contract term. Each contract must provide a contract term of at least 10 years. Prudent and reasonable costs associated with a renewable energy contract shall be recovered from the ratepayers of the contracting utility, without differentiation among customer classes, through the appropriate cost-recovery clause mechanism administered by the commission.

(4) On or before January 1, 2006, each municipal electric utility and rural electric cooperative whose annual sales, as of July 1, 1993, to retail customers were greater than 2,000 gigawatt hours must continuously offer a purchase contract to producers of renewable energy containing payment provisions for energy and capacity which are based upon the utility's or cooperative's full avoided costs, as determined by the governing body of the municipal utility or cooperative; however, capacity payments are not required if, due to the operational characteristics of the renewable energy generator or the anticipated peak and off-peak availability and capacity factor of the utility's avoided unit, the producer is unlikely to provide any capacity value to the utility or the electric grid during the contract term. Each contract must provide a contract term of at least 10 years.

(5) On or before January 1, 2009, each public utility must develop a standardized interconnection agreement and net metering program for customer-owned renewable generation. The commission shall establish requirements relating to the expedited interconnection and net metering of customer-owned renewable generation by public utilities and may adopt rules to administer this section.

(6) On or before July 1, 2009, each municipal electric utility and each rural electric cooperative that sells electricity at retail must develop a standardized interconnection agreement and net metering program for customer-owned renewable generation. Each governing authority shall

establish requirements relating to the expedited interconnection and net metering of customer-owned generation. By April 1 of each year, each municipal electric utility and rural electric cooperative utility serving retail customers shall file a report with the commission detailing customer participation in the interconnection and net metering program, including but not limited to the number and total capacity of interconnected generating systems and the total energy net metered in the previous year.

(7)(5) A contracting producer of renewable energy must pay the actual costs of its interconnection with the transmission grid or distribution system.

And the title is amended as follows:

Delete line(s) 182 and insert: gas emissions; amending s. 366.91, F.S.; providing definitions; requiring each public utility, municipal electric utility, and rural electric cooperative to develop a standardized interconnection agreement and net metering program for customer-owned renewable generation; provides for rulemaking and the filing of certain reports; providing

Amendment 14 (140528)—Delete line(s) 2142-2261 and insert:

(3) As used in this section, the term:

(a) "Renewable energy credit" or "REC" means a product that represents the unbundled, separable, and renewable attribute of renewable energy produced in Florida and is equivalent to 1 megawatt-hour of electricity generated by a source of renewable energy located in Florida.

(b) "Provider" means an electric utility or utility as defined in s. 366.8255(1)(a).

(c) "Renewable Energy" means energy produced from a method that uses one or more of the following fuels or energy sources: solar thermal, solar hot water, geothermal energy, or as provided in s. 366.91(2)(b).

(d) "Renewable portfolio standard" or "RPS" means the minimum percentage of total annual retail electricity sales by a provider to consumers in Florida, which shall be supplied by renewable energy produced in Florida.

(4)(a) The commission shall adopt rules for a renewable portfolio standard requiring each provider to supply renewable energy to its customers, whether directly, by procurement, or through renewable energy credits. In developing the RPS rule, the commission shall consult the Department of Environmental Protection and the Florida Energy and Climate Commission. The commission shall present a draft rule for legislative consideration by February 1, 2009. The rule may not be implemented until ratified by the Legislature.

(b) In developing the rule, the commission shall evaluate the current and forecasted levelized cost in cents per kilowatt hour through 2020 and current and forecasted installed capacity in kilowatts for each renewable energy generation method through 2020.

(c) The commission's rule shall include methods of managing the cost of compliance with the portfolio standard, whether through direct supply, through the procurement of renewable power, or through the purchase of renewable energy credits. The commission shall have rulemaking authority for providing annual cost recovery and incentive-based adjustments to authorized rates of return on common equity to providers to incentivize renewable energy. Notwithstanding s. 366.91(3) and (4), upon the effective date of the rule, the commission is authorized to approve projects and power sales agreements with renewable power producers, and the sale of renewable energy credits which are needed to comply with the RPS. In the event of any conflict, this section shall supersede s. 366.91(3) and (4).

(d) The commission's rule shall provide for appropriate compliance measures and the conditions under which compliance shall be excused due to a determination by the commission that the supply of renewable energy or renewable energy credits was not adequate to satisfy the demand for such energy, or that the cost of securing renewable energy or renewable energy credits was cost-prohibitive.

(e) The commission's rule shall provide added weight to energy provided by wind and solar energy over other forms of renewable energy, whether directly supplied, procured, or indirectly obtained through the purchase of renewable energy credits.

(f) *The commission's rule shall determine an appropriate period of time for which renewable energy credits may be used for purposes of compliance with the renewable portfolio standard.*

(g) *The commission's rule shall:*

1. *Determine an appropriate period of time for which renewable energy credits may be used for purposes of compliance with the renewable portfolio standard.*

2. *Provide for the monitoring of compliance with and enforcement of the requirements of this section.*

3. *Ensure that energy credited toward compliance with the provisions of this section are not credited toward any other purpose.*

4. *Develop procedures to track and account for renewable energy credits, including ownership of renewable energy credits that are derived from a customer-owned renewable energy facility as a result of any action by a customer of an electric power supplier that is independent of a program sponsored by the electric power supplier.*

(h) *The commission's rule shall provide for the conditions and options for the repeal or alteration of the rule in the event that new provisions of federal law supplant or conflict with the rule.*

(i) *Beginning on April 1 of the year following the effective date of the rule, each provider shall submit a report to the commission describing the steps that have been taken in the previous year and the steps that will be taken in the future to add renewable energy to the provider's energy supply portfolio. The report shall state whether the provider was in compliance with the RPS during the previous year and how it will comply with the RPS in the upcoming year.*

(5) *In order to demonstrate the feasibility and viability of clean energy systems, the commission shall provide for full cost recovery under the environmental cost-recovery clause of all reasonable and prudent costs incurred by a provider for renewable energy projects that are zero greenhouse gas emitting at the point of generation, up to a total of 110 megawatts statewide, and for which the provider has secured necessary land, zoning permits, and transmission rights within the state. Such costs shall be deemed reasonable and prudent for purposes of cost recovery so long as the provider has used reasonable and customary industry practices in the design, procurement, and construction of the project in a cost-effective manner appropriate to the location of the facility. The provider shall report to the commission as part of the cost-recovery proceedings the construction costs, in-service costs, operating and maintenance costs, hourly energy production of the renewable energy project, and any other information deemed relevant by the commission. Any provider constructing a clean energy facility pursuant to this section shall file for cost recovery no later than July 1, 2009.*

(6) *Each municipal electric utility and rural electric cooperative shall develop standards for the promotion, encouragement, and expansion of the use of renewable energy resources and energy conservation and efficiency measures. On or before April 1, 2009, and annually thereafter, each municipal electric utility and electric cooperative shall submit to the commission a report that identifies such standards.*

(7) *No provision in this section shall be construed to impede or impair terms and conditions in existing contracts.*

~~(3) The commission may adopt appropriate goals for increasing the use of existing, expanded, and new Florida renewable energy resources. The commission may change the goals. The commission may review and reestablish the goals at least once every 5 years.~~

(8) (4) *The commission shall adopt rules to administer and implement the provisions of this section.*

Amendment 15 (533368)—Delete line(s) 3174-3253 and insert:

Section 48. Section 377.921, Florida Statutes, is created to read:

377.921 *Qualified solar energy system program.—The Legislature finds that qualified solar energy systems provide fuel savings and can help protect against future electricity and natural gas shortages, reduce the state's dependence on foreign sources of energy, and improve environmental conditions. The Legislature further finds that the deployment of*

qualified solar energy systems advances Florida's goals of promoting energy efficiency and the development of renewable energy resources. Therefore, the Legislature finds that it is in the public interest to encourage public utilities to develop and implement programs that promote the deployment and use of qualified solar energy systems.

(2) *As used in this section:*

(a) *"Qualified solar energy system" means a solar thermal water heating system installed at a customer's premises under a program administered and facilitated by a public utility. In order for a system to be deemed as qualified under this section, the public utility must incur all costs of the purchase and installation of the system, whether directly or indirectly through a customer rebate.*

(b) *"Public utility" or "utility" means a utility as defined in s. 366.02(1).*

(c) *"Eligible program" means a program developed by a public utility and approved by the commission pursuant to subsection (5) under which the utility facilitates the installation of solar thermal water heating systems at a utility customer's premises.*

(d) *"Program fuel cost savings" means the total fuel cost savings that a utility is projected to achieve from all solar thermal water heating systems installed at a customer's premises over the life of the qualified solar energy system.*

(e) *"Program costs" means all costs incurred in implementing an eligible program, including, but not limited to:*

1. *In-service capital investments, including the utility's last authorized rate of return thereon; and*

2. *Operating and maintenance expense, including, but not limited to, labor, overhead, materials, advertising, marketing, customer incentives, or rebates.*

(3) *Notwithstanding any provision in chapter 366 or rule to the contrary, a public utility shall be allowed to recover through the energy conservation cost-recovery clause, either as period expenses or by capitalizing and amortizing, all prudent and reasonable program costs incurred in implementing an eligible program. With respect to any solar hot water heating system, the amortization period shall be 5 years.*

(4) *Notwithstanding any provision in chapter 366 or rule to*

the contrary, and in addition to recovery under subsection (3), a utility shall be allowed to recover through the fuel cost-recovery clause beginning in the year each solar thermal water heating system begins operation 50 percent of any such program fuel cost savings for five years from the installation date. The remaining 50 percent of fuel saving shall be returned to the utility's customers through the fuel cost-recovery clause.

(5) *Notwithstanding any provision in chapter 366 or rule to the contrary, the commission shall enter an order approving a public utility's qualified solar energy system program if the utility demonstrates in a petition that:*

(a) *The qualified solar energy systems to be installed as part of the program at minimum meet applicable Solar Rating and Certification Corporation OG-300 certification requirements.*

(b) *The qualified solar energy systems are constructed and installed in conformity with the manufacturer's specifications and all applicable codes and standards.*

(6) *Within 60 days after receiving a petition to approve a qualified solar energy system program, the commission shall approve the petition or inform the utility of any deficiencies therein. If the commission informs the utility of deficiencies, the utility may correct those deficiencies and refile its petition to approve the qualified solar energy system program.*

(7) *In order to encourage public utilities to promote the deployment and use of qualified solar energy systems, the public utility shall own the renewable attributes or benefits associated with the energy output of a qualified solar energy system installed pursuant to an eligible program, including any renewable energy credit or other instrument issued as a result of the utility's eligible program.*

(8) *This section shall sunset on June 30, 2011 unless reenacted by the Legislature. Utilities may not enroll new customers in the qualified solar energy program after June 30, 2011 unless this section is reenacted.*

(Redesignate subsequent sections.)

Amendment 16 (488630)—Delete line(s) 2119 and insert: *conducted in Florida for the purpose of reducing an electric utility's greenhouse gas*

Amendment 17 (820960)—Delete line(s) 4367-4442 and insert:

1004.648 Florida Energy Systems Consortium.—

(1) *There is created the Florida Energy Systems Consortium to promote collaboration between experts in the State University System for the purposes of sharing energy related expertise and assisting in the development and implementation of a comprehensive, long-term, environmentally compatible, sustainable, and efficient energy strategic plan for the state.*

(2) *The consortium shall focus on the research and development of innovative energy systems that will lead to alternative energy strategies, improved energy efficiencies, and expanded economic development for the state.*

(3) *The consortium shall consist of the University of Florida, Florida State University, the University of South Florida, the University of Central Florida, and Florida Atlantic University.*

(4) *The consortium shall be administered at the University of Florida by a director whom shall be appointed by the oversight board.*

(5) *The director shall report to the Florida Energy and Climate Commission created pursuant to s. 377.6015.*

(6) *The oversight board shall consist of the vice president for research at each of the universities that are members of the consortium.*

(7) *In addition to selecting the director the oversight board shall be responsible for the technical performance and financial management of the consortium.*

(8) *In performing its responsibilities, the consortium shall collaborate with the oversight board and may also collaborate with industry and other affected parties.*

(9) *Through collaborative research and development across the State University System and industry, the goal of the consortium is to become a world leader in energy research, education, technology, and energy systems analysis. In so doing, the consortium shall:*

(a) *Coordinate and initiate increased collaborative interdisciplinary energy research among the universities and the energy industry.*

(b) *Assist in the creation and development of a Florida-based energy technology industry through efforts that would expedite commercialization of innovative energy technologies by taking advantage of the energy expertise within the State University System, high technology incubators, industrial parks, and industry-driven research centers.*

(c) *Provide a state resource for objective energy systems analysis.*

(d) *Develop education and outreach programs to prepare a qualified energy workforce and informed public. Specifically the faculty associated with the consortium shall coordinate a statewide workforce development initiative focusing on college-level degrees, technician training, and public and commercial sectors awareness. The consortium shall develop specific programs targeted at preparing graduates who have a background in energy, continuing education courses for technical and nontechnical professionals, and modules, laboratories, and courses to be shared among the universities. Additionally, the consortium shall work with the Florida Community College system using the Florida Advanced Technological Education Center for the coordination and design of industry-specific training programs for technicians.*

(10) *The consortium shall solicit and leverage state, federal, and private funds for the purpose of conducting education, research, and development in the area of sustainable energy.*

(11) *The oversight board, in consultation with the Florida Energy and Climate Commission, shall ensure that the consortium:*

(a) *Maintains accurate records of any funds received by the consortium.*

(b) *Meets financial and technical performance expectations, which may include external technical reviews as required.*

(12) *The oversight board and the Florida Energy and Climate Commission shall constitute the Steering Committee which shall be responsible for establishing and assuring the success of the consortium's mission as provided for in subsection (9).*

(13) *By November 1 of each year, the consortium shall submit an annual report to the Governor, the President of the Senate, the Speaker of the House of Representatives and the Florida Energy and Climate Commission regarding its activities including, but not limited to, education, research, development, and deployment of alternative energy technologies.*

MOTION

On motion by Senator Constantine, the rules were waived to allow the following amendment to be considered:

Senators Constantine and Saunders offered the following amendment which was moved by Senator Constantine and adopted:

Amendment 18 (856282)—Between line(s) 3173 and 3174 insert:

Section 48. *All of the records, property, unexpended balances of appropriations and personnel related to the Florida Energy Commission for the administration and implementation of s. 377.901, Florida Statutes, shall be transferred from the Office of Legislative Services to the Executive Office of the Governor. The Executive Office of the Governor is authorized to establish four full time equivalent positions to staff the Florida Energy and Climate Commission.*

(Redesignate subsequent sections.)

MOTION

On motion by Senator Saunders, the rules were waived to allow the following amendments to be considered:

Senator Saunders moved the following amendments which were adopted:

Amendment 19 (473718)(with title amendment)—Delete line(s) 3386-3765 and insert:

Section 52. Section 403.502, Florida Statutes, is amended to read:

403.502 Legislative intent.—The Legislature finds that the present and predicted growth in electric power demands in this state requires the development of a procedure for the selection and utilization of sites for electrical generating facilities and the identification of a state position with respect to each proposed site *and its associated facilities*. The Legislature recognizes that the selection of sites and the routing of associated *facilities including* transmission lines will have a significant impact upon the welfare of the population, the location and growth of industry, and the use of the natural resources of the state. The Legislature finds that the efficiency of the permit application and review process at both the state and local level would be improved with the implementation of a process whereby a permit application would be centrally coordinated and all permit decisions could be reviewed on the basis of standards and recommendations of the deciding agencies. It is the policy of this state that, while recognizing the pressing need for increased power generation facilities, the state shall ensure through available and reasonable methods that the location and operation of electrical power plants will produce minimal adverse effects on human health, the environment, the ecology of the land and its wildlife, and the ecology of state waters and their aquatic life and will not unduly conflict with the goals established by the applicable local comprehensive plans. It is the intent to seek courses of action that will fully balance the increasing demands for electrical power plant location and operation with the broad interests of the public. Such action will be based on these premises:

(1) To assure the citizens of Florida that operation safeguards are technically sufficient for their welfare and protection.

(2) To effect a reasonable balance between the need for the facility and the environmental impact resulting from construction and operation of the facility, including air and water quality, fish and wildlife, and the water resources and other natural resources of the state.

(3) To meet the need for electrical energy as established pursuant to s. 403.519.

(4) To assure the citizens of Florida that renewable energy sources and technologies, as well as conservation measures, are utilized to the extent reasonably available.

Section 53. Section 403.503, Florida Statutes, is amended to read:

403.503 Definitions relating to Florida Electrical Power Plant Siting Act.—As used in this act:

- (1) “Act” means the Florida Electrical Power Plant Siting Act.
- (2) “Agency,” as the context requires, means an official, officer, commission, authority, council, committee, department, division, bureau, board, section, or other unit or entity of government, including a regional or local governmental entity.
- (3) “*Alternate corridor*” means an area that is proposed by the applicant or a third party within which all or part of an associated electrical transmission line right-of-way is to be located and that is different from the preferred transmission line corridor proposed by the applicant. The width of the alternate corridor proposed for certification for an associated electrical transmission line may be the width of the proposed right-of-way or a wider boundary not to exceed a width of one mile. The area within the alternate corridor may be further restricted as a condition of certification. The alternate corridor may include alternate electrical substation sites if the applicant has proposed an electrical substation as part of the portion of the proposed electrical transmission line.
- (4)(3) “Amendment” means a material change in the information provided by the applicant to the application for certification made after the initial application filing.(5)(4) “Applicant” means any electric utility which applies for certification pursuant to the provisions of this act.
- (6)(5) “Application” means the documents required by the department to be filed to initiate a certification review and evaluation, including the initial document filing, amendments, and responses to requests from the department for additional data and information.
- (7)(6) “Associated facilities” means, for the purpose of certification, those *on-site* and *off-site* facilities which directly support the construction and operation of the electrical generating facility ~~power plant~~ such as *electrical transmission lines, substations, and fuel unloading facilities*; pipelines necessary for transporting fuel for the operation of the facility or other fuel transportation facilities; water or wastewater transport pipelines; construction, maintenance, and access roads; and railway lines necessary for transport of construction equipment or fuel for the operation of the facility.
- (8)(7) “Board” means the Governor and Cabinet sitting as the siting board.
- (9)(8) “Certification” means the written order of the board, or *Secretary when applicable*, approving an application for the licensing of an electrical power plant, in whole or with such changes or conditions as the board, or *Secretary when applicable*, may deem appropriate.
- (10)(9) “Completeness” means that the application has addressed all applicable sections of the prescribed application format, and that those sections are sufficient in comprehensiveness of data or in quality of information provided to allow the department to determine whether the application provides the reviewing agencies adequate information to prepare the reports required by s. 403.507.
- (11)(10) “Corridor” means the proposed area within which an associated linear facility right-of-way is to be located. The width of the corridor proposed for certification as an associated facility, at the option of the applicant, may be the width of the right-of-way or a wider boundary, not to exceed a width of 1 mile. The area within the corridor in which a right-of-way may be located may be further restricted by a condition of certification. After all property interests required for the right-of-way have been acquired by the licensee, the boundaries of the area certified shall

narrow to only that land within the boundaries of the right-of-way. *The corridors proper for certification shall be those addressed in the application, in amendments to the application filed under s. 403.5064, and in notices of acceptance of proposed alternate corridors filed by an applicant and the department pursuant to s. 403.5271 as incorporated by reference in s. 403.5064(1)(b) for which the required information for the preparation of agency supplemental reports was filed.*

(12)(11) “Department” means the Department of Environmental Protection.

(13)(12) “Designated administrative law judge” means the administrative law judge assigned by the Division of Administrative Hearings pursuant to chapter 120 to conduct the hearings required by this act.

(14)(13) “Electrical power plant” means, for the purpose of certification, any steam or solar electrical generating facility using any process or fuel, including nuclear materials, except that this term does not include any steam or solar electrical generating facility of less than 75 megawatts in capacity unless the applicant for such a facility elects to apply for certification under this act. This term *also* includes the site, all associated facilities that will to be owned by the applicant that which are physically connected to the electrical power plant site; all associated facilities that or which are indirectly directly connected to the electrical power plant site by other proposed associated facilities that will to be owned by the applicant; and associated transmission lines that will to be owned by the applicant that which connect the electrical generating facility power plant to an existing transmission network or rights-of-way to of which the applicant intends to connect. At the applicant’s option, this term may include any offsite associated facilities that which will not be owned by the applicant; offsite associated facilities that which are owned by the applicant but which are not directly connected to the electrical power plant site; any proposed terminal or intermediate substations or substation expansions connected to the associated transmission line; or new transmission lines, upgrades, or improvements of an existing transmission line on any portion of the applicant’s electrical transmission system necessary to support the generation injected into the system from the proposed electrical generating facility power plant.

(15)(14) “Electric utility” means cities and towns, counties, public utility districts, regulated electric companies, electric cooperatives, and joint operating agencies, or combinations thereof, engaged in, or authorized to engage in, the business of generating, transmitting, or distributing electric energy.

(16)(15) “Federally delegated or approved permit program” means any environmental regulatory program approved by an agency of the Federal Government so as to authorize the department to administer and issue licenses pursuant to federal law, including, but not limited to, new source review permits, operation permits for major sources of air pollution, and prevention of significant deterioration permits under the Clean Air Act (42 U.S.C. ss. 7401 et seq.), permits under ss. 402 and 404 of the Clean Water Act (33 U.S.C. ss. 1251 et seq.), and permits under the Resource Conservation and Recovery Act (42 U.S.C. ss. 6901 et seq.).

(17)(16) “License” means a franchise, permit, certification, registration, charter, comprehensive plan amendment, development order or permit as defined in chapters 163 and 380, or similar form of authorization required by law, including permits issued under federally delegated or approved permit programs, but it does not include a license required primarily for revenue purposes when issuance of the license is merely a ministerial act.

(18)(17) “Licensee” means an applicant that has obtained a certification order for the subject project.

(19)(18) “Local government” means a municipality or county in the jurisdiction of which the electrical power plant is proposed to be located.

(20)(19) “Modification” means any change in the certification order after issuance, including a change in the conditions of certification.

(21)(20) “Nonprocedural requirements of agencies” means any agency’s regulatory requirements established by statute, rule, ordinance, zoning ordinance, land development code, or comprehensive plan, excluding any provisions prescribing forms, fees, procedures, or time limits for the review or processing of information submitted to demonstrate compliance with such regulatory requirements.

(22)(21) "Notice of intent" means that notice which is filed with the department on behalf of an applicant prior to submission of an application pursuant to this act and which notifies the department of an intent to file an application.

(23)(22) "Person" means an individual, partnership, joint venture, private or public corporation, association, firm, public service company, political subdivision, municipal corporation, government agency, public utility district, or any other entity, public or private, however organized.

(24)(23) "Preliminary statement of issues" means a listing and explanation of those issues within the agency's jurisdiction which are of major concern to the agency in relation to the proposed electrical power plant.

(25)(24) "Public Service Commission" or "commission" means the agency created pursuant to chapter 350.

(26)(25) "Regional planning council" means a regional planning council as defined in s. 186.503(4) in the jurisdiction of which the electrical power plant is proposed to be located.

(27)(26) "Right-of-way" means land necessary for the construction and maintenance of a connected associated linear facility, such as a railroad line, pipeline, or transmission line as owned by or proposed to be certified by the applicant. The typical width of the right-of-way shall be identified in the application. The right-of-way shall be located within the certified corridor and shall be identified by the applicant subsequent to certification in documents filed with the department prior to construction.

(28)(27) "Site" means any proposed location *within which will be located wherein* an electrical power plant's generating facility and on-site support facilities ~~plant~~, or an electrical power plant alteration or addition of electrical generating facilities and on-site on-location support facilities resulting in an increase in generating capacity, ~~will be located~~, including offshore sites within state jurisdiction.

(29)(28) "State comprehensive plan" means that plan set forth in chapter 187.

(30)(29) "Ultimate site capacity" means the maximum gross generating capacity for a site as certified by the board, *or Secretary when applicable, unless otherwise specified as nte generating capacity.*

(31)(30) "Water management district" means a water management district, created pursuant to chapter 373, in the jurisdiction of which the electrical power plant is proposed to be located.

Section 54. Section 403.504, Florida Statutes, is amended to read:

403.504 Department of Environmental Protection; powers and duties enumerated.—The department shall have the following powers and duties in relation to this act:

(1) To adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this act, including rules setting forth environmental precautions to be followed in relation to the location, construction, and operation of electrical power plants.

(2) To prescribe the form and content of the public notices and the notice of intent and the form, content, and necessary supporting documentation and studies to be prepared by the applicant for electrical power plant site certification applications.

(3) To receive applications for electrical power plant site certifications and to determine the completeness and sufficiency thereof.

(4) To make, or contract for, studies of electrical power plant site certification applications.

(5) To administer the processing of applications for electric power plant site certifications and to ensure that the applications are processed as expeditiously as possible.

(6) To require such fees as allowed by this act.

(7) To conduct studies and prepare a project analysis under s. 403.507.

(8) To prescribe the means for monitoring the effects arising from the construction and operation of electrical power plants to assure continued compliance with terms of the certification.

(9) *To determine whether an alternate corridor proposed for consideration under s. 403.5064(4) is acceptable.*

(10)(9) To issue final orders after receipt of the administrative law judge's order relinquishing jurisdiction pursuant to s. 403.508(6).

(11)(10) To act as clerk for the siting board.

(12)(11) To administer and manage the terms and conditions of the certification order and supporting documents and records for the life of the *electrical power plant facility.*

(13)(12) To issue emergency orders on behalf of the board for facilities licensed under this act.

Section 55. Subsection (1) of section 403.506, Florida Statutes, is amended and subsection (3) is added to read:

403.506 Applicability, thresholds, and certification.—

(1) The provisions of this act shall apply to any electrical power plant as defined herein, except that the provisions of this act shall not apply to any electrical power plant ~~or steam generating plant~~ of less than 75 megawatts in gross capacity ~~including its or to any associated facilities~~ ~~substation to be constructed as part of an associated transmission line~~ unless the applicant has elected to apply for certification of such *electrical power plant or substation* under this act. The provisions of this act shall not apply to ~~any unit capacity expansions~~ ~~expansion~~ of 75 ~~35~~ megawatts or less, *in the aggregate*, of an existing exothermic reaction cogeneration *electrical generating facility unit* that was exempt from this act when it was originally built; however, this exemption shall not apply if the unit uses oil or natural gas for purposes other than unit startup. No construction of any new electrical power plant or expansion in steam generating capacity as measured by an increase in the maximum electrical generator rating of any existing electrical power plant may be undertaken after October 1, 1973, without first obtaining certification in the manner as herein provided, except that this act shall not apply to any such electrical power plant which is presently operating or under construction or which has, upon the effective date of chapter 73-33, Laws of Florida, applied for a permit or certification under requirements in force prior to the effective date of such act.

(3) *An electric utility may obtain separate licenses, permits, and approvals for the construction of facilities necessary to construct an electrical power plant without first obtaining certification under this act if the utility intends to locate, license, and construct a proposed or expanded electrical power plant that uses nuclear materials as fuel. Such facilities may include, but are not limited to, access and onsite roads, rail lines, electrical transmission facilities to support construction, and facilities necessary for waterborne delivery of construction materials and project components. This exemption applies to such facilities regardless of whether the facilities are used for operation of the power plant. The applicant shall file with the department a statement that declares that the construction of such facilities is necessary for the timely construction of the proposed electrical power plant and identifies those facilities that the applicant intends to seek licenses for and construct prior to or separate from certification of the project. The facilities may be located within or off of the site for the proposed electrical power plant. The filing of an application under this act does not affect other applications for separate licenses which are pending at the time of filing the application. Furthermore, the filing of an application does not prevent an electric utility from seeking separate licenses for facilities that are necessary to construct the electrical power plant. Licenses, permits, or approvals issued by any state, regional, or local agency for such facilities shall be incorporated by the department into a final certification upon completion of construction. Any facilities necessary for construction of the electrical power plant shall become part of the certified electrical power plant upon completion of the electrical power plant's construction. The exemption in this subsection does not require or authorize agency rulemaking, and any action taken under this subsection is not subject to chapter 120. This subsection shall be given retroactive effect and applies to applications filed after May 1, 2008.*

Section 56. Subsections (1) and(4) of section 403.5064, Florida Statutes, are amended to read:

403.5064 Application; schedules.—

(1) The formal date of filing of a certification application and commencement of the certification review process shall be when the applicant submits:

(a) Copies of the certification application in a quantity and format as prescribed by rule to the department and other agencies identified in s. 403.507(2)(a).

(b) A statement affirming that the applicant is opting to allow consideration of alternate corridors for an associated transmission line corridors. If alternate corridors are allowed, at the applicant's option, the portion of the application addressing associated transmission line corridors shall be processed pursuant to the schedule set forth in ss. 403.521-43.526, 403.527(4), and 403.5271, including the opportunity for the filing of alternate corridors, provided, however, if such alternate corridors are filed, the certification hearing shall not be rescheduled as allowed by ss. 403.527(1)(b)1. and 2.

(c) The application fee specified under s. 403.518 to the department.

(4) Within 7 days after the filing of an application, the department shall prepare a proposed schedule of dates for determination of completeness, submission of statements of issues, submittal of final reports, and other significant dates to be followed during the certification process, including dates for filing notices of appearance to be a party pursuant to s. 403.508(3). If the application includes one or more associated transmission line corridors, at the request of the applicant filed concurrently with the application, the department shall incorporate the application processing schedule of the Florida electric Transmission Line Siting Act, ss. 403.521-403.526, 403.527(4), and 403.5271 for the associated transmission line corridors, including the opportunity for the filing and review of alternate corridors, if a party proposes alternate transmission line corridor routes for consideration no later than 165 days prior to the scheduled certification hearing. Notwithstanding an applicant's option for the transmission line corridor portion of its application to be processed under the proposed schedule, only one certification hearing will be held for the entire power plant in accordance with s. 403.508(2). The proposed schedule shall be timely provided by the department to the applicant, the administrative law judge, all agencies identified pursuant to subsection (2), and all parties. Within 7 days after the filing of the proposed schedule, the administrative law judge shall issue an order establishing a schedule for the matters addressed in the department's proposed schedule and other appropriate matters, if any.

Section 57. Subsection (1) of section 403.5065, Florida Statutes, is amended to read:

403.5065 Appointment of administrative law judge; powers and duties.—

(1) Within 7 days after receipt of an application, the department shall request the Division of Administrative Hearings to designate an administrative law judge to conduct the hearings required by this act. The division director shall designate an administrative law judge within 7 days after receipt of the request from the department. In designating an administrative law judge for this purpose, the division director shall, whenever practicable, assign an administrative law judge who has had prior experience or training in electrical power plant site certification proceedings. Upon being advised that an administrative law judge has been appointed, the department shall immediately file a copy of the application and all supporting documents with the designated administrative law judge, who shall docket the application.

Section 58. Subsection (3) of section 403.50663, Florida Statutes, is amended to read:

403.50663 Informational public meetings.—

(3) A local government or regional planning council that intends to conduct an informational public meeting must provide notice of the meeting to all parties not less than 15 days prior to the meeting and to the general public, in accordance with the provisions of s. 403.5115(5). The expense for such notice is eligible for reimbursement under the provisions of s. 403.518(2)(c)1.

Section 59. Section 403.50665, Florida Statutes, is amended to read:

403.50665 Land use consistency.—

(1) The applicant shall include in the application a statement on the consistency of the site and ~~or any directly~~ associated facilities that constitute "development," as defined in s. 380.04, with existing land use plans and zoning ordinances that were in effect on the date the application was filed and a full description of such consistency. This information shall include an identification of those associated facilities that the applicant believes are exempt from the requirements of land use plans and zoning ordinances under the provisions of the Local Government Comprehensive Planning and Land Development Regulation Act provisions of Chapter 163 and s. 380.04(3).

(2)(a) Within 45 days after the filing of the application, each local government shall file a determination with the department, the applicant, the administrative law judge, and all parties on the consistency of the site, and ~~or any directly~~ associated facilities that are not exempt from the requirements of land use plans and zoning ordinances under the provisions of chapter 163 and s. 380.04(3), with existing land use plans and zoning ordinances that were in effect on the date the application was filed, based on the information provided in the application. However, this requirement does not apply to any new electrical generation unit proposed to be constructed and operated:

1. On the site of a previously certified electrical power plant; or
2. On the site of a power plant that was not previously certified that will be wholly contained within the boundaries of the existing site.

(b) The local government may issue its determination up to 55 days later if the application has been determined incomplete based in whole or part upon a local government request for ~~has requested~~ additional information on land use and zoning consistency as part of the local government's statement on completeness of the application submitted pursuant to s. 403.5066(1)(a). Incompleteness of information necessary for a local government to evaluate an application may be claimed by the local government as cause for a statement of inconsistency with existing land use plans and zoning ordinances.

(c) Notice of the consistency determination shall be published in accordance with the requirements of s. 403.5115.

(3)(a) If the local government issues a determination that the proposed site and any non-exempt associated facilities are ~~electrical power plant~~ is not consistent or in compliance with local land use plans and zoning ordinances, the applicant may apply to the local government for the necessary local approval to address the inconsistencies identified in the local government's determination.

(b) If the applicant makes such an application to the local government, the time schedules under this act shall be tolled until the local government issues its revised determination on land use and zoning or the applicant otherwise withdraws its application to the local government.

(c) If the applicant applies to the local government for necessary local land use or zoning approval, the local government shall commence a proceeding to consider the application for land use or zoning approval within 45 days of receipt of the complete request, and shall issue a revised determination within 30 days following the conclusion of that local proceeding, ~~and~~ The time schedules and notice requirements under this act shall apply to such revised determination.

(4) If any substantially affected person wishes to dispute the local government's determination, he or she shall file a petition with the designated administrative law judge ~~department~~ within 21 days after the publication of notice of the local government's determination. If a hearing is requested, the provisions of s. 403.508(1) shall apply.

(5) The dates in this section may be altered upon agreement between the applicant, the local government, and the department pursuant to s. 403.5095.

(6) If it is determined by the local government that the proposed site or non-exempt ~~directly~~ associated facility does conform with existing land use plans and zoning ordinances in effect as of the date of the application and no petition has been filed, the responsible zoning or planning authority shall not thereafter change such land use plans or zoning ordinances so as to foreclose construction and operation of the

proposed site or ~~directly~~ associated facilities unless certification is subsequently denied or withdrawn.

(7) *The issue of land use and zoning consistency for any proposed alternate intermediate electrical substation which is proposed as part of an alternate electrical transmission line corridor which is accepted by the applicant and the department under s. 403.5271(1)(b) shall be addressed in the supplementary report prepared by the local government on the proposed alternate corridor and shall be considered as an issue at any final certification hearing. If such a proposed intermediate electrical substation is determined to not be consistent with local land use plans and zoning ordinances, then that alternate electrical substation shall not be certified.*

Section 60. Paragraph (a) of subsection (2) of section 403.507, Florida Statutes, is amended to read:

403.507 Preliminary statements of issues, reports, project analyses, and studies.—

(2)(a) ~~The No later than 100 days after the certification application has been determined complete, the following agencies shall prepare reports as provided below and shall submit them to the department and the applicant no later than 100 days after the certification application has been determined complete, unless a final order denying the Determination of Need has been issued under the provisions of s. 403.519:~~

1. The Department of Community Affairs shall prepare a report containing recommendations which address the impact upon the public of the proposed electrical power plant, based on the degree to which the electrical power plant is consistent with the applicable portions of the state comprehensive plan, emergency management, and other such matters within its jurisdiction. The Department of Community Affairs may also comment on the consistency of the proposed electrical power plant with applicable strategic regional policy plans or local comprehensive plans and land development regulations.

2. The water management district shall prepare a report as to matters within its jurisdiction, including but not limited to, the impact of the proposed electrical power plant on water resources, regional water supply planning, and district-owned lands and works.

3. Each local government in whose jurisdiction the proposed electrical power plant is to be located shall prepare a report as to the consistency of the proposed electrical power plant with all applicable local ordinances, regulations, standards, or criteria that apply to the proposed electrical power plant, including any applicable local environmental regulations adopted pursuant to s. 403.182 or by other means.

4. The Fish and Wildlife Conservation Commission shall prepare a report as to matters within its jurisdiction.

5. Each regional planning council shall prepare a report containing recommendations that address the impact upon the public of the proposed electrical power plant, based on the degree to which the electrical power plant is consistent with the applicable provisions of the strategic regional policy plan adopted pursuant to chapter 186 and other matters within its jurisdiction.

6. The Department of Transportation shall address the impact of the proposed electrical power plant on matters within its jurisdiction.

(b) Any other agency, if requested by the department, shall also perform studies or prepare reports as to matters within that agency's jurisdiction which may potentially be affected by the proposed electrical power plant.

Section 61. Subsection (1) of section 403.508, Florida Statutes, is amended to read:

403.508 Land use and certification hearings, parties, participants.—

(1)(a) *Within 5 days after the filing of If a petition for a hearing on land use has been filed pursuant to s. 403.50665, the designated administrative law judge shall schedule conduct a land use hearing to be conducted in the county of the proposed site, or directly associated facility that is not exempt from the requirements of land use plans and zoning ordinances under the provisions of chapter 163 and s. 380.043(3), as applicable, as expeditiously as possible, but not later than 30 days after the*

designated administrative law judge's department's receipt of the petition. The place of such hearing shall be as close as possible to the proposed site or directly associated facility. If a petition is filed, the hearing shall be held regardless of the status of the completeness of the application. However, incompleteness of information necessary for a local government to evaluate an application may be claimed by the local government as cause for a statement of inconsistency with existing land use plans and zoning ordinances under s. 403.50665.

(b) Notice of the land use hearing shall be published in accordance with the requirements of s. 403.5115.

(c) The sole issue for determination at the land use hearing shall be whether or not the proposed site or *non-exempt associated facility* is consistent and in compliance with existing land use plans and zoning ordinances. If the administrative law judge concludes that the proposed site or *non-exempt associated facility* is not consistent or in compliance with existing land use plans and zoning ordinances, the administrative law judge shall receive at the hearing evidence on, and address in the recommended order any changes to or approvals or variances under, the applicable land use plans or zoning ordinances which will render the proposed site or *non-exempt associated facility* consistent and in compliance with the local land use plans and zoning ordinances.

(d) The designated administrative law judge's recommended order shall be issued within 30 days after completion of the hearing and shall be reviewed by the board within 60 days after receipt of the recommended order by the board.

(e) If it is determined by the board that the proposed site or *non-exempt associated facility* does conform with existing land use plans and zoning ordinances in effect as of the date of the application, or as otherwise provided by this act, the responsible zoning or planning authority shall not thereafter change such land use plans or zoning ordinances so as to foreclose construction and operation of the proposed electrical power plant on the proposed site or ~~directly~~ associated facilities unless certification is subsequently denied or withdrawn.

(f) If it is determined by the board that the proposed site or *non-exempt associated facility* does not conform with existing land use plans and zoning ordinances, the board may, if it determines after notice and hearing and upon consideration of the recommended order on land use and zoning issues that it is in the public interest to authorize the use of the land ~~as a site for a site or associated facility an electrical power plant,~~ authorize a variance or other necessary approval to the adopted land use plan and zoning ordinances required to render the proposed site or *associated facility* consistent with local land use plans and zoning ordinances. The board's action shall not be controlled by any other procedural requirements of law. In the event a variance or other approval is denied by the board, it shall be the responsibility of the applicant to make the necessary application for any approvals determined by the board as required to make the proposed site or *associated facility* consistent and in compliance with local land use plans and zoning ordinances. No further action may be taken on the complete application until the proposed site or *associated facility* conforms to the adopted land use plan or zoning ordinances or the board grants relief as provided under this act.

(2)(a) A certification hearing shall be held by the designated administrative law judge no later than 265 days after the application is filed with the department. The certification hearing shall be held at a location in proximity to the proposed site. ~~At the conclusion of the certification hearing, the designated administrative law judge shall, after consideration of all evidence of record, submit to the board a recommended order no later than 45 days after the filing of the hearing transcript.~~

(b) Notice of the certification hearing and notice of the deadline for filing of notice of intent to be a party shall be made in accordance with the requirements of s. 403.5115.

Section 62. Subsections(3),(4), and (5) of section 403.509, Florida Statutes, are amended and a new subsection (4) is added to read:

403.509 Final disposition of application.—

(3) In determining whether an application should be approved in whole, approved with modifications or conditions, or denied, the board, or secretary when applicable, shall consider whether, and the extent to which, the location, *construction and operation* of the electrical power

plant and directly associated facilities and their construction and operation will:

- (a) Provide reasonable assurance that operational safeguards are technically sufficient for the public welfare and protection.
- (b) Comply with applicable nonprocedural requirements of agencies.
- (c) Be consistent with applicable local government comprehensive plans and land development regulations.
- (d) Meet the electrical energy needs of the state in an orderly, reliable, and timely fashion.
- (e) Effect a reasonable balance between the need for the facility as established pursuant to s. 403.519 and the impacts upon air and water quality, fish and wildlife, water resources, and other natural resources of the state resulting from the construction and operation of the facility.
- (f) Minimize, through the use of reasonable and available methods, the adverse effects on human health, the environment, and the ecology of the land and its wildlife and the ecology of state waters and their aquatic life.
- (g) Serve and protect the broad interests of the public.

(4)(a) Any transmission line corridor certified by the board, or secretary if applicable, shall meet the criteria of this section. When more than one transmission line corridor is proper for certification under s. 403.503(11) and meets the criteria of this section, the board, or secretary if applicable, shall certify the transmission line corridor that has the least adverse impact regarding the criteria in subsection (3), including costs.

(b) If the board, or secretary if applicable, finds that an alternate corridor rejected pursuant to s. 403.5271 as incorporated by reference in s. 403.5064(1)(b) meets the criteria of subsection (3) and has the least adverse impact regarding the criteria in subsection (3), the board, or secretary if applicable, shall deny certification or shall allow the applicant to submit an amended application to include the corridor.

(c) If the board, or secretary if applicable, finds that two or more of the corridors that comply with subsection (3) have the least adverse impacts regarding the criteria in subsection (3), including costs, and that the corridors are substantially equal in adverse impacts regarding the criteria in subsection (3), including costs, the board, or secretary if applicable, shall certify the corridor preferred by the applicant if the corridor is one proper for certification under s. 403.503(11).

(5)(4) The department's action on a federally required new source review or prevention of significant deterioration permit shall differ from the actions taken by the siting board regarding the certification if the federally approved state implementation plan requires such a different action to be taken by the department. Nothing in this part shall be construed to displace the department's authority as the final permitting entity under the federally approved permit program. Nothing in this part shall be construed to authorize the issuance of a new source review or prevention of significant deterioration permit which does not conform to the requirements of the federally approved state implementation plan.

(6)(5) For certifications issued by the board in regard to the properties and works of any agency which is a party to the certification hearing, the board shall have the authority to decide issues relating to the use, the connection thereto, or the crossing thereof, for the electrical power plant and directly associated facilities and to direct any such agency to execute, within 30 days after the entry of certification, the necessary license or easement for such use, connection, or crossing, subject only to the conditions set forth in such certification. For certifications issued by the department in regard to the properties and works of any agency which is a party to the proceeding, any stipulation filed pursuant to s. 403.508(6)(a) must include a stipulation regarding any issues relating to the use, the connection thereto, or the crossing thereof, for the electrical power plant. Any agency stipulating to the use, connection to, or crossing of its property must agree to execute, within 30 days after the entry of certification, the necessary license or easement for such use, connection, or crossing, subject only to the conditions set forth in such certification.

Section 63. Subsections (1), and (6) of section 403.511, Florida Statutes, are amended to read:

403.511 Effect of certification.—

(1) Subject to the conditions set forth therein, any certification shall constitute the sole license of the state and any agency as to the approval of the location of the site and any associated facility and the construction and operation of the proposed electrical power plant, except for the issuance of department licenses required under any federally delegated or approved permit program and except as otherwise provided in subsection (4).

(6) No term or condition of an electrical power plant a-site certification shall be interpreted to supersede or control the provisions of a final operation permit for a major source of air pollution issued by the department pursuant to s. 403.0872 to a facility certified under this part.

Section 64. Subsection (1) of section 403.5112, Florida Statutes, is amended to read:

403.5112 Filing of notice of certified corridor route.—

(1) Within 60 days after certification of an a-directly associated linear facility pursuant to this act, the applicant shall file, in accordance with s. 28.222, with the department and the clerk of the circuit court for each county through which the corridor will pass, a notice of the certified route.

Section 65. Section 403.5113, Florida Statutes, is amended to read:

403.5113 Postcertification amendments and review.—

(1) **POSTCERTIFICATION AMENDMENTS.—**

(a) If, subsequent to certification by the board, a licensee proposes any material change to the application and revisions or amendments thereto, as certified, the licensee shall submit a written request for amendment and a description of the proposed change to the application to the department. Within 30 days after the receipt of the request for the amendment, the department shall determine whether the proposed change to the application requires a modification of the conditions of certification.

(b)(2) If the department concludes that the change would not require a modification of the conditions of certification, the department shall provide written notification of the approval of the proposed amendment to the licensee, all agencies, and all other parties.

(c)(3) If the department concludes that the change would require a modification of the conditions of certification, the department shall provide written notification to the licensee that the proposed change to the application requires a request for modification pursuant to s. 403.516.

(2)(4) **POSTCERTIFICATION REVIEW.—**Postcertification submissions filed by the licensee with one or more agencies are for the purpose of monitoring for compliance with the issued certification and must be reviewed by the agencies on an expedited and priority basis because each facility certified under this act is a critical infrastructure facility. In no event shall a postcertification review be completed in more than 90 days after complete information is submitted to the reviewing agencies.

Section 66. Section 403.5115, Florida Statutes, is amended to read:

403.5115 Public notice.—

(1) The following notices are to be published by the applicant:

(a) Notice of the filing of a notice of intent under s. 403.5063, which shall be published within 21 days after the filing of the notice. The notice shall be published as specified by subsection (2), except that the newspaper notice shall be one-fourth page in size in a standard size newspaper or one-half page in size in a tabloid size newspaper.

(b) Notice of filing of the application, which shall include a description of the proceedings required by this act, within 21 days after the date of the application filing. Such notice shall give notice of the provisions of s. 403.511(1) and (2).

(c) If applicable, notice of the land use determination made pursuant to s. 403.50665(2)(4) within 21 days after the deadline for the filing of the determination is filed.

(d) *If applicable*, notice of the land use hearing, which shall be published as specified in subsection (2), no later than 15 days before the hearing.

(e) Notice of the certification hearing and notice of the deadline for filing notice of intent to be a party, which shall be published as specified in subsection (2), at least 65 days before the date set for the certification hearing. *If one or more alternate corridors have been accepted for consideration, the notice of the certification hearing shall include a map of all corridors proposed for certification.*

(f) *Notice of revised deadline for filing alternate corridors, if the certification hearing is rescheduled to a date other than as published in the notice of filing of the application. This notice shall be published at least 185 days before the rescheduled certification hearing and as specified in paragraph (2) except no map is required and the size of the notice shall be no less than six square inches.*

(g)(f) Notice of the cancellation of the certification hearing, if applicable, no later than 3 days before the date of the originally scheduled certification hearing. *The newspaper notice shall be one-fourth page in size in a standard size newspaper or one-half page in size in a tabloid size newspaper.*

(h)(g) Notice of modification when required by the department, based on whether the requested modification of certification will significantly increase impacts to the environment or the public. Such notice shall be published as specified under subsection (2):

1. Within 21 days after receipt of a request for modification. The newspaper notice shall be of a size as directed by the department commensurate with the scope of the modification.

2. If a hearing is to be conducted in response to the request for modification, then notice shall be published no later than 30 days before the hearing.

~~(h) Notice of a supplemental application, which shall be published as specified in paragraph (b) and subsection (2).~~

~~(i) Notice of existing site certification pursuant to s. 403.5175. Notices shall be published as specified in paragraph (b) and subsection (2).~~

(2) Notices provided by the applicant shall be published in newspapers of general circulation within the county or counties in which the proposed electrical power plant will be located. The newspaper notices, *unless otherwise specified*, shall be at least one-half page in size in a standard size newspaper or a full page in a tabloid size newspaper. These notices shall include a map generally depicting the project and all associated facilities corridors. A newspaper of general circulation shall be the newspaper which has the largest daily circulation in that county and has its principal office in that county. If the newspaper with the largest daily circulation has its principal office outside the county, the notices shall appear in both the newspaper having the largest circulation in that county and in a newspaper authorized to publish legal notices in that county.

(3) All notices published by the applicant shall be paid for by the applicant and shall be in addition to the application fee.

(4) The department shall arrange for publication of the following notices in the manner specified by chapter 120 and provide copies of those notices to any persons who have requested to be placed on the departmental mailing list for this purpose *for each case for which an application has been received by the department*:

(a) Notice of the filing of the notice of intent within 15 days after receipt of the notice.

(b) Notice of the filing of the application, no later than 21 days after the application filing.

(c) Notice of the land use determination made pursuant to s. 403.50665(2)(f) within 21 days after the *deadline for the filing of the determination is filed*.

(d) Notice of the land use hearing before the administrative law judge, if applicable, no later than 15 days before the hearing.

(e) Notice of the land use hearing before the board, if applicable.

(f) Notice of the certification hearing at least 45 days before the date set for the certification hearing.

(g) *Notice of revised deadline for filing alternate corridors, if the certification hearing is rescheduled to a date other than as published in the notice of filing of the application. This notice shall be published at least 185 days before the rescheduled certification hearing.*

~~(h)(g)~~ Notice of the cancellation of the certification hearing, if applicable, no later than 3 days prior to the date of the originally scheduled certification hearing.

~~(i)(h)~~ Notice of the hearing before the board, if applicable.

~~(j)(i)~~ Notice of stipulations, proposed agency action, or petitions for modification.

(5) *A local government or regional planning council that proposes to conduct an informational public meeting pursuant to s. 403.50663 must publish notice of the meeting in a newspaper of general circulation within the county or counties in which the proposed electrical power plant will be located no later than 7 days prior to the meeting. A newspaper of general circulation shall be the newspaper which has the largest daily circulation in that county and has its principal office in that county. If the newspaper with the largest daily circulation has its principal office outside the county, the notices shall appear in both the newspaper having the largest circulation in that county and in a newspaper authorized to publish legal notices in that county.*

(6)(a) *A good faith effort shall be made by the applicant to provide direct written notice of the filing of an application for certification by U.S. mail or hand delivery no later than 45 days after filing of the application to all local landowners whose property, as noted in the most recent local government tax records, and residences, are located within the following distances of the proposed project:*

1. *Five miles of the proposed main site boundaries of the proposed electrical power plant.*

2. *One-quarter mile of the proposed boundaries of all linear associated facilities extending away from the main site boundary, such as any proposed electrical transmission line corridors as defined in s. 403.522(22).*

(b) No later than 60 days from the filing of an application for certification, the applicant shall file a list with the department's Siting Coordination Office of landowners and residences that were notified.

(7)(a) *A good faith effort shall be made by the proponent of an alternate corridor to provide direct written notice of the filing of an alternate corridor for certification by U.S. mail or hand delivery of the filing of no later than 30 days after filing of the alternate corridor to all local landowners whose property, as noted in the most recent local government tax records, and residences, are located within one-quarter mile of the proposed boundaries of the proposed alternate transmission line corridor that includes a transmission line as defined in s. 403.522(22).*

(b) No later than 45 days from the filing of an alternate corridor for certification, the proponent of an alternate corridor shall file a list with the department's Siting Coordination Office of landowners and residences that were notified.

Section 67. Subsection (1) of section 403.516, Florida Statutes, is amended to read:

403.516 Modification of certification.—

(1) A certification may be modified after issuance in any one of the following ways:

(a) The board may delegate to the department the authority to modify specific conditions in the certification.

(b)1. The department may modify specific conditions of a site certification which are inconsistent with the terms of any federally delegated or approved permit for the certified electrical power plant.

2. Such modification may be made without further notice if the matter has been previously noticed under the requirements for any federally delegated or approved permit program.

(c) The licensee may file a petition for modification with the department, or the department may initiate the modification upon its own initiative.

1. A petition for modification must set forth:
 - a. The proposed modification.
 - b. The factual reasons asserted for the modification.
 - c. The anticipated environmental effects of the proposed modification.

2. The department may modify the terms and conditions of the certification if no party to the certification hearing objects in writing to such modification within 45 days after notice by mail to such party's last address of record, and if no other person whose substantial interests will be affected by the modification objects in writing within 30 days after issuance of public notice.

3. If objections are raised or the department denies the request, the applicant or department may file a request for a hearing on the modification with the department. Such request shall be handled pursuant to chapter 120.

4. Requests referred to the Division of Administrative Hearings shall be disposed of in the same manner as an application, but with time periods established by the administrative law judge commensurate with the significance of the modification requested.

(d) As required by s. 403.511(5).

Section 68. Subsection (1) of section 403.517, Florida Statutes, is amended to read:

403.517 Supplemental applications for sites certified for ultimate site capacity.—

(1)(a) Supplemental applications may be submitted for certification of the construction and operation of electrical power plants to be located at sites which have been previously certified for an ultimate site capacity pursuant to this act. Supplemental applications shall be limited to electrical power plants using the fuel type previously certified for that site. Such applications shall include all new ~~directly~~ associated facilities that support the construction and operation of the electrical power plant.

(b) The review shall use the same procedural steps and notices as for an initial application.

(c) The time limits for the processing of a complete supplemental application shall be designated by the department commensurate with the scope of the supplemental application, but shall not exceed any time limitation governing the review of initial applications for ~~site~~ certification pursuant to this act, it being the legislative intent to provide shorter time limitations for the processing of supplemental applications for electrical power plants to be constructed and operated at sites which have been previously certified for an ultimate site capacity.

(d) Any time limitation in this section or in rules adopted pursuant to this section may be altered pursuant to s. 403.5095.

Section 69. Subsection (1), subsection (2), and subsection (3) of section 403.5175, Florida Statutes, are amended to read:

403.5175 Existing electrical power plant site certification.—

(1) An electric utility that owns or operates an existing electrical power plant as defined in s. 403.503(14) ~~s. 403.503(13)~~ may apply for certification of an existing power plant and its site in order to obtain all agency licenses necessary to ensure compliance with federal or state environmental laws and regulation using the centrally coordinated, one-stop licensing process established by this part. An application for ~~site~~ certification under this section must be in the form prescribed by department rule. Applications must be reviewed and processed using the same procedural steps and notices as for an application for a new facility,

except that a determination of need by the Public Service Commission is not required.

(2) An application for certification under this section must include:

(a) A description of the site and existing power plant installations, *and associated facilities*;

(b) A description of all proposed changes or alterations to the site ~~and or electrical power plant, including~~ all new associated facilities that are the subject of the application;

(c) A description of the environmental and other impacts caused by the existing utilization of the site and ~~directly~~ associated facilities, and the operation of the electrical power plant that is the subject of the application, and of the environmental and other benefits, if any, to be realized as a result of the proposed changes or alterations if certification is approved and such other information as is necessary for the reviewing agencies to evaluate the proposed changes and the expected impacts;

(d) The justification for the proposed changes or alterations;

(e) Copies of all existing permits, licenses, and compliance plans authorizing utilization of the site and directly associated facilities or operation of the electrical power plant that is the subject of the application.

(3) The land use and zoning determination requirements of s. 403.50665 do not apply to an application under this section if the applicant does not propose to expand the boundaries of the existing site *or to add additional offsite associated facilities that are not exempt from the provisions of s. 403.50665*. If the applicant proposes to expand the boundaries of the existing site *or to add additional offsite facilities that are not exempt from the provisions of s. 403.50665* to accommodate portions of the *electrical generating facility plant* or associated facilities, a land use and zoning determination shall be made as specified in s. 403.50665; provided, however, that the sole issue for determination is whether the proposed site expansion *or additional non-exempt associated facilities are* is consistent and in compliance with the existing land use plans and zoning ordinances.

Section 70. Section 403.518, Florida Statutes, is amended to read:

403.518 Fees; disposition.—The department shall charge the applicant the following fees, as appropriate, which, unless otherwise specified, shall be paid into the Florida Permit Fee Trust Fund:

(1) A fee for a notice of intent pursuant to s. 403.5063, in the amount of \$2,500, to be submitted to the department at the time of filing of a notice of intent. The notice-of-intent fee shall be used and disbursed in the same manner as the application fee.

(2) An application fee, which shall not exceed \$200,000. The fee shall be fixed by rule on a sliding scale related to the size, type, ultimate site capacity, or increase in electrical generating capacity proposed by the application.

(a) Sixty percent of the fee shall go to the department to cover any costs associated with coordinating the review and acting upon the application, to cover any field services associated with monitoring construction and operation of the facility, and to cover the costs of the public notices published by the department.

(b) The following percentages shall be transferred to the Operating Trust Fund of the Division of Administrative Hearings of the Department of Management Services:

1. Five percent to compensate expenses from the initial exercise of duties associated with the filing of an application.

2. An additional 5 percent if a land use hearing is held pursuant to s. 403.508.

3. An additional 10 percent if a certification hearing is held pursuant to s. 403.508.

(c)1. Upon written request with proper itemized accounting within 90 days after final agency action by the board, *Secretary when applicable*, or withdrawal of the application, the agencies that prepared reports pursuant to s. 403.507 or participated in a hearing pursuant to s.

403.508 may submit a written request to the department for reimbursement of expenses incurred during the certification proceedings. The request shall contain an accounting of expenses incurred which may include time spent reviewing the application, preparation of any studies required of the agencies by this act, agency travel and per diem to attend any hearing held pursuant to this act, and for any agency or local government's or regional planning council's provision of notice of public meetings or hearings required as a result of the application for certification. The department shall review the request and verify that the expenses are valid. Valid expenses shall be reimbursed; however, in the event the amount of funds available for reimbursement is insufficient to provide for full compensation to the agencies requesting reimbursement, reimbursement shall be on a prorated basis.

2. If the application review is held in abeyance for more than 1 year, the agencies may submit a request for reimbursement. *This time period shall be measured from the date the applicant has provided written notification to the department that it desires to have application review process placed on hold. The fee disbursement shall be processed in accordance with subparagraph 1.*

(d) If any sums are remaining, the department shall retain them for its use in the same manner as is otherwise authorized by this act; provided, however, that if the certification application is withdrawn, the remaining sums shall be refunded to the applicant within 90 days after the *submittal of the written notification of withdrawal.*

(3)(a) A certification modification fee, which shall not exceed \$30,000. The department shall establish rules for determining such a fee based on the *number of agencies involved in the review, equipment redesign, change in site size, type, increase in generating capacity proposed, or change in an associated linear facility location.*

(b) The fee shall be submitted to the department with a petition for modification pursuant to s. 403.516. This fee shall be established, disbursed, and processed in the same manner as the application fee in subsection (2), except that the Division of Administrative Hearings shall not receive a portion of the fee unless the petition for certification modification is referred to the Division of Administrative Hearings for hearing. If the petition is so referred, only \$10,000 of the fee shall be transferred to the Operating Trust Fund of the Division of Administrative Hearings of the Department of Management Services.

(4) A supplemental application fee, not to exceed \$75,000, to cover all reasonable expenses and costs of the review, processing, and proceedings of a supplemental application. This fee shall be established, disbursed, and processed in the same manner as the certification application fee in subsection (2).

(5) An existing site certification application fee, not to exceed \$200,000, to cover all reasonable costs and expenses of the review processing and proceedings for certification of an existing power plant site under s. 403.5175. This fee must be established, disbursed, and processed in the same manner as the certification application fee in subsection (2).

(6)(a) *An application fee for an alternate corridor filed pursuant to s. 403.5064(4). The application fee shall be \$750 per mile for each mile of the alternate corridor located within an existing electric transmission line right-of-way or within an existing right-of-way for a road, highway, railroad, or other aboveground linear facility, or \$1,000 per mile for each mile of an electric transmission line corridor proposed to be located outside the existing right-of-way.*

Section 71. Subsection (4) of section 403.519, Florida Statutes, is amended to read:

403.519 Exclusive forum for determination of need.—

(4) In making its determination on a proposed electrical power plant using nuclear materials or synthesis gas produced by integrated gasification combined cycle power plant as fuel, the commission shall hold a hearing within 90 days after the filing of the petition to determine need and shall issue an order granting or denying the petition within 135 days after the date of the filing of the petition. The commission shall be the sole forum for the determination of this matter and the issues addressed in the petition, which accordingly shall not be reviewed in any other forum, or in the review of proceedings in such other forum. In making its determination to either grant or deny the petition, the commission

shall consider the need for electric system reliability and integrity, including fuel diversity, the need for base-load generating capacity, the need for adequate electricity at a reasonable cost, and whether renewable energy sources and technologies, as well as conservation measures, are utilized to the extent reasonably available.

(a) The applicant's petition shall include:

1. A description of the need for the generation capacity.
2. A description of how the proposed nuclear or integrated gasification combined cycle power plant will enhance the reliability of electric power production within the state by improving the balance of power plant fuel diversity and reducing Florida's dependence on fuel oil and natural gas.
3. A description of and a nonbinding estimate of the cost of the nuclear or integrated gasification combined cycle power plant, *including any costs associated with new, enlarged, or relocated electrical transmission lines or facilities of any size that are necessary to serve the nuclear power plant.*
4. The annualized base revenue requirement for the first 12 months of operation of the nuclear or integrated gasification combined cycle power plant.
5. Information on whether there were any discussions with any electric utilities regarding ownership of a portion of the nuclear or integrated gasification combined cycle power plant by such electric utilities.

(b) In making its determination, the commission shall take into account matters within its jurisdiction, which it deems relevant, including whether the nuclear or integrated gasification combined cycle power plant will:

1. Provide needed base-load capacity.
2. Enhance the reliability of electric power production within the state by improving the balance of power plant fuel diversity and reducing Florida's dependence on fuel oil and natural gas.
3. Provide the most cost-effective source of power, taking into account the need to improve the balance of fuel diversity, reduce Florida's dependence on fuel oil and natural gas, reduce air emission compliance costs, and contribute to the long-term stability and reliability of the electric grid.

(c) No provision of rule 25-22.082, Florida Administrative Code, shall be applicable to a nuclear or integrated gasification combined cycle power plant sited under this act, including provisions for cost recovery, and an applicant shall not otherwise be required to secure competitive proposals for power supply prior to making application under this act or receiving a determination of need from the commission.

(d) The commission's determination of need for a nuclear or integrated gasification combined cycle power plant shall create a presumption of public need and necessity and shall serve as the commission's report required by s. 403.507(4)(a). An order entered pursuant to this section constitutes final agency action. Any petition for reconsideration of a final order on a petition for need determination shall be filed within 5 days after the date of such order. The commission's final order, including any order on reconsideration, shall be reviewable on appeal in the Florida Supreme Court. Inasmuch as delay in the determination of need will delay siting of a nuclear or integrated gasification combined cycle power plant or diminish the opportunity for savings to customers under the federal Energy Policy Act of 2005, the Supreme Court shall proceed to hear and determine the action as expeditiously as practicable and give the action precedence over matters not accorded similar precedence by law.

(e) After a petition for determination of need for a nuclear or integrated gasification combined cycle power plant has been granted, the right of a utility to recover any costs incurred prior to commercial operation, including, but not limited to, costs associated with the siting, design, licensing, or construction of the plant *and new, expanded, or relocated electrical transmission lines or facilities of any size that are necessary to serve the nuclear power plant*, shall not be subject to challenge unless and only to the extent the commission finds, based on a preponderance of the evidence adduced at a hearing before the commission under s.

120.57, that certain costs were imprudently incurred. Proceeding with the construction of the nuclear or integrated gasification combined cycle power plant following an order by the commission approving the need for the nuclear or integrated gasification combined cycle power plant under this act shall not constitute or be evidence of imprudence. Imprudence shall not include any cost increases due to events beyond the utility's control. Further, a utility's right to recover costs associated with a nuclear or integrated gasification combined cycle power plant may not be raised in any other forum or in the review of proceedings in such other forum. Costs incurred prior to commercial operation shall be recovered pursuant to chapter 366.

Section 72. Subsection (1) of section 403.5252, Florida Statutes, is amended to read:

403.5252 Determination of completeness.—

(1)(a) Within 30 days after ~~the filing distribution~~ of an application, the affected agencies shall file a statement with the department containing the recommendations of each agency concerning the completeness of the application for certification.

(b) Within ~~37~~ 7 days after ~~the filing receipt~~ of the ~~application completeness statements of each agency~~, the department shall file a statement with the Division of Administrative Hearings, with the applicant, and with all parties declaring its position with regard to the completeness of the application. The statement of the department shall be based upon its consultation with the affected agencies.

Section 73. Subsection (1), subsection (2) of section 403.526, Florida Statutes, are amended to read:

403.526 Preliminary statements of issues, reports, and project analyses; studies.—

(1) Each affected agency that is required to file a report in accordance with this section shall submit a preliminary statement of issues to the department and all parties no later than ~~the submittal of each agency's recommendation that the application is complete 50 days after the filing of the application. Such statements of issues shall be made available to each local government for use as information for public meetings held under s. 403.5272.~~ The failure to raise an issue in this preliminary statement of issues does not preclude the issue from being raised in the agency's report.

(2)(a) The following agencies shall prepare reports as provided below and shall submit them to the department and the applicant no later than 90 days after the filing of the application, *unless a final order denying the Determination of Need has been issued under the provisions of s. 403.537*:

1. The department shall prepare a report as to the impact of each proposed transmission line or corridor as it relates to matters within its jurisdiction.

2. Each water management district in the jurisdiction of which a proposed transmission line or corridor is to be located shall prepare a report as to the impact on water resources and other matters within its jurisdiction.

3. The Department of Community Affairs shall prepare a report containing recommendations which address the impact upon the public of the proposed transmission line or corridor, based on the degree to which the proposed transmission line or corridor is consistent with the applicable portions of the state comprehensive plan, emergency management, and other matters within its jurisdiction. The Department of Community Affairs may also comment on the consistency of the proposed transmission line or corridor with applicable strategic regional policy plans or local comprehensive plans and land development regulations.

4. The Fish and Wildlife Conservation Commission shall prepare a report as to the impact of each proposed transmission line or corridor on fish and wildlife resources and other matters within its jurisdiction.

5. Each local government shall prepare a report as to the impact of each proposed transmission line or corridor on matters within its jurisdiction, including the consistency of the proposed transmission line or corridor with all applicable local ordinances, regulations, standards, or criteria that apply to the proposed transmission line or corridor, including local comprehensive plans, zoning regulations, land development

regulations, and any applicable local environmental regulations adopted pursuant to s. 403.182 or by other means. A change by the responsible local government or local agency in local comprehensive plans, zoning ordinances, or other regulations made after the date required for the filing of the local government's report required by this section is not applicable to the certification of the proposed transmission line or corridor unless the certification is denied or the application is withdrawn.

6. Each regional planning council shall present a report containing recommendations that address the impact upon the public of the proposed transmission line or corridor based on the degree to which the transmission line or corridor is consistent with the applicable provisions of the strategic regional policy plan adopted under chapter 186 and other impacts of each proposed transmission line or corridor on matters within its jurisdiction.

7. The Department of Transportation shall prepare a report as to the impact of the proposed transmission line or corridor on state roads, railroads, airports, aeronautics, seaports, and other matters within its jurisdiction.

8. The commission shall prepare a report containing its determination under s. 403.537, and the report may include the comments from the commission with respect to any other subject within its jurisdiction.

9. Any other agency, if requested by the department, shall also perform studies or prepare reports as to subjects within the jurisdiction of the agency which may potentially be affected by the proposed transmission line.

(b) Each report must contain:

1. A notice of any nonprocedural requirements not specifically listed in the application from which a variance, exemption, exception, or other relief is necessary in order for the proposed corridor to be certified. Failure to include the notice shall be treated as a waiver from the nonprocedural requirements of that agency.

2. A recommendation for approval or denial of the application.

3. The proposed conditions of certification on matters within the jurisdiction of each agency. For each condition proposed by an agency, the agency shall list the specific statute, rule, or ordinance, as applicable, which authorizes the proposed condition.

(c) Each reviewing agency shall initiate the activities required by this section no later than 15 days after the application is filed. Each agency shall keep the applicant and the department informed as to the progress of its studies and any issues raised thereby.

(d) When an agency whose agency head is a collegial body, such as a commission, board, or council, is required to submit a report pursuant to this section and is required by its own internal procedures to have the report reviewed by its agency head prior to finalization, the agency may submit to the department a draft version of the report by the deadline indicated in paragraph (a), and shall submit a final version of the report after review by the agency head, no later than 15 days after the deadline indicated in paragraph (a).

(e) Receipt of an affirmative determination of need from the commission by the submittal deadline for agency reports under paragraph (a) is a condition precedent to further processing of the application.

Section 74. Subsections (4), and (6) of section 403.527, Florida Statutes, are amended to read:

403.527 Certification hearing, parties, participants.—

(4)(a) One public hearing where members of the public who are not parties to the certification hearing may testify shall be held *in conjunction with the certification hearing*.

(b) *Upon the request of the local government, one public hearing where members of the public who are not parties to the certification hearing and who reside within the jurisdiction of the local government may testify shall be held within the boundaries of each county in which a local government that made such a request is located, at the option of any local government.*

~~(c)(a)~~ A local government shall notify the administrative law judge and all parties not later than 80 days prior to the certification hearing 21 days after the application has been determined complete as to whether the local government wishes to have a public hearing within the boundaries of its county. ~~If a filing for an alternate corridor is accepted for consideration under s. 403.5271(1) by the department and the applicant, any newly affected local government must notify the administrative law judge and all parties not later than 10 days after the data concerning the alternate corridor has been determined complete as to whether the local government wishes to have such a public hearing.~~ The local government is responsible for providing the location of the public hearing if held separately from the certification hearing.

~~(d)(b)~~ Within 5 days after notification, the administrative law judge shall determine the date of the public hearing, which shall be held before or during the certification hearing. If two or more local governments within one county request a public hearing, the hearing shall be consolidated so that only one public hearing is held in any county. The location of a consolidated hearing shall be determined by the administrative law judge.

~~(e)(e)~~ If a local government does not request a public hearing by the deadline specified in subparagraph 1. within 21 days after the application has been determined complete, then members of the public who are not parties to the certification hearing and who reside persons residing within the jurisdiction of the local government may testify during the that portion of the certification hearing held under the provisions of paragraph (4)(a) at which public testimony is heard.

(6)(a) No later than 29 25 days before the certification hearing, the department or the applicant may request that the administrative law judge cancel the certification hearing and relinquish jurisdiction to the department if all parties to the proceeding stipulate that there are no disputed issues of material fact or law to be raised at the certification hearing.

(b) The administrative law judge shall issue an order granting or denying the request within 5 days.

(c) If the administrative law judge grants the request, the department and the applicant shall publish notices of the cancellation of the certification hearing in accordance with s. 403.5363.

(d)1. If the administrative law judge grants the request, the department shall prepare and issue a final order in accordance with s. 403.529(1)(a).

2. Parties may submit proposed final orders to the department no later than 10 days after the administrative law judge issues an order relinquishing jurisdiction.

Section 75. Subsection (1) of section 403.5271, Florida Statutes, is amended to read:

403.5271 Alternate corridors.—

(1) No later than 45 days before the originally scheduled certification hearing, any party may propose alternate transmission line corridor routes for consideration under the provisions of this act.

(a) A notice of a proposed alternate corridor must be filed with the administrative law judge, all parties, and any local governments in whose jurisdiction the alternate corridor is proposed. The filing must include the most recent United States Geological Survey 1:24,000 quadrangle maps specifically delineating the corridor boundaries, a description of the proposed corridor, and a statement of the reasons the proposed alternate corridor should be certified.

(b)1. Within 7 days after receipt of the notice, the applicant and the department shall file with the administrative law judge and all parties a notice of acceptance or rejection of a proposed alternate corridor for consideration. If the alternate corridor is rejected by the applicant or the department, the certification hearing and the public hearings shall be held as scheduled. If both the applicant and the department accept a proposed alternate corridor for consideration, the certification hearing and the public hearings shall be rescheduled, if necessary. *If a filing for an alternate corridor is accepted for consideration by the department and the applicant, any newly affected local government must notify the administrative law judge and all parties not later than 65 days prior to*

the rescheduled certification hearing as to whether the local government wishes to have such a public hearing. The local government is responsible for providing the location of the public hearing if held separately from the certification hearing. The provisions of s. 403.527(4)(b) and (c) shall apply. Notice of the local hearings shall be published in accordance with s. 403.5363.

2. If rescheduled, the certification hearing shall be held no more than 90 days after the previously scheduled certification hearing, unless the data submitted under paragraph (d) is determined to be incomplete, in which case the rescheduled certification hearing shall be held no more than 105 days after the previously scheduled certification hearing. If additional time is needed due to the alternate corridor crossing a local government jurisdiction that was not previously affected, the remainder of the schedule listed below shall be appropriately adjusted by the administrative law judge to allow that local government to prepare a report pursuant to s. 403.526(2)(a)5. *Notice that the certification hearing has been deferred due to the acceptance of the alternate corridor shall be published in accordance with s. 403.5363.*

~~(c)~~ Notice of the filing of the alternate corridor, ~~of the revised time schedules, of the deadline for newly affected persons and agencies to file notice of intent to become a party, of the rescheduled hearing date, and of the proceedings~~ shall be published by the alternate proponent in accordance with s. 403.5363(2) and (6). *If the notice is not timely published or does not meet the notice requirements, the alternate shall be deemed withdrawn.*

(d) Within 21 days after acceptance of an alternate corridor by the department and the applicant, the party proposing an alternate corridor shall have the burden of providing all data to the agencies listed in s. 403.526(2) and newly affected agencies necessary for the preparation of a supplementary report on the proposed alternate corridor.

(e)1. Reviewing agencies shall advise the department of any issues concerning completeness no later than 15 days after the submittal of the data required by paragraph (d). Within 22 days after receipt of the data, the department shall issue a determination of completeness.

2. If the department determines that the data required by paragraph (d) is not complete, the party proposing the alternate corridor must file such additional data to correct the incompleteness. This additional data must be submitted within 14 days after the determination by the department.

3. *Reviewing agencies may advise the department of any issues concerning completeness of the additional data within 10 days after the filing by the party proposing the alternate corridor.* If the department, within 14 days after receiving the additional data, determines that the data remains incomplete, the incompleteness of the data is deemed a withdrawal of the proposed alternate corridor. The department may make its determination based on recommendations made by other affected agencies.

(f) The agencies listed in s. 403.526(2) and any newly affected agencies shall file supplementary reports with the applicant and the department which address the proposed alternate corridors no later than 24 days after the data submitted pursuant to paragraph (d) or paragraph (e) is determined to be complete.

(g) The agency reports on alternate corridors must include all information required by s. 403.526(2).

(h) When an agency whose agency head is a collegial body, such as a commission, board, or council, is required to submit a report pursuant to this section and is required by its own internal procedures to have the report reviewed by its agency head prior to finalization, the agency may submit to the department a draft version of the report by the deadline indicated in paragraph (f), and shall submit a final version of the report after review by the agency head no later than 7 days after the deadline indicated in paragraph (f).

(i) The department shall file with the administrative law judge, the applicant, and all parties a project analysis consistent with s. 403.526(3) no more than 16 days after submittal of agency reports on the proposed alternate corridor.

Section 76. Subsection (3) of section 403.5272, Florida Statutes, is amended to read:

403.5272 Informational public meetings.—

(3) A local government or regional planning council that intends to conduct an informational public meeting must provide notice of the meeting, with notice sent to all parties listed in s. 403.527(2)(a), not less than 15 5 days before the meeting and to the general public, in accordance with the provisions of s. 403.5363(4).

Section 77. Subsection (1) of section 403.5312, Florida Statutes, is amended to read:

403.5312 Filing of notice of certified corridor route.—

(1) Within 60 days after certification of a ~~directly associated transmission line under ss. 403.501-403.518 or a transmission line corridor under ss. 403.52-403.5365~~, the applicant shall file with the department and, in accordance with s. 28.222, with the clerk of the circuit court for each county through which the corridor will pass, a notice of the certified route.

Section 78. Section 403.5363, Florida Statutes, is amended to read:

403.5363 Public notices; requirements.—

(1)(a) The applicant shall arrange for the publication of the notices specified in paragraph (b).

1. The notices shall be published in newspapers of general circulation within counties crossed by the transmission line corridors proper for certification. The required newspaper notices ~~for filing of an application and for the certification hearing shall be one-half page in size in a standard-size newspaper or a full page in a tabloid-size newspaper~~ and published in a section of the newspaper other than the section for legal notices. ~~These two notices must include a map generally depicting all transmission corridors proper for certification.~~ A newspaper of general circulation shall be the newspaper within a county crossed by a transmission line corridor proper for certification which newspaper has the largest daily circulation in that county and has its principal office in that county. If the newspaper having the largest daily circulation has its principal office outside the county, the notices must appear in both the newspaper having the largest circulation in that county and in a newspaper authorized to publish legal notices in that county.

2. The department shall adopt rules specifying the content of the newspaper notices.

3. All notices published by the applicant shall be paid for by the applicant and shall be in addition to the application fee.

(b) Public notices that must be published under this section include:

1. The notice of the filing of an application, which must include a description of the proceedings required by this act. The notice must describe the provisions of s. 403.531(1) and (2) and give the date by which notice of intent to be a party or a petition to intervene in accordance with s. 403.527(2) must be filed. This notice must be published no more than 21 days after the application is filed. *The notice shall, at a minimum, be one-half page in size in a standard-size newspaper or a full page in a tabloid-size newspaper. The notice must include a map generally depicting all transmission corridors proper for certification.*

2. The notice of the certification hearing and any other public hearing ~~permitted~~ under s. 403.527(4). The notice must include the date by which a person wishing to appear as a party must file the notice to do so. The notice of the *originally scheduled* certification hearing must be published at least 65 days before the date set for the certification hearing. *The notice shall meet the same size and map requirements required in subparagraph 1.*

3. The notice of the cancellation of the certification hearing under s. 403.527(6), if applicable. The notice must be published at least 3 days before the date of the originally scheduled certification hearing. *The notice shall, at a minimum, be one-quarter page in size in a standard-size newspaper or one-half page in a tabloid-size newspaper. The notice shall not require a map to be included.*

4. *The notice of the deferment of the certification hearing due to the acceptance of an alternate corridor under s. 403.527(1)(b)2. The notice must be published at least 7 days before the date of the originally sched-*

uled certification hearing. The notice shall, at a minimum, be one-eighth page in size in a standard-size newspaper or one-quarter page in a tabloid-size newspaper. The notice shall not require a map to be included.

5. *If the notice of the rescheduled certification hearing required of an alternate proponent under s. 403.5271(1)(c) is not timely published or does not meet the notice requirements such that an alternate corridor is withdrawn under the provisions of s. 403.5271(1)(c), the notice of rescheduled hearing and any local hearings shall be provided by the applicant at least 30 days prior to the rescheduled certification hearing.*

6.4. The notice of the filing of a proposal to modify the certification submitted under s. 403.5315, if the department determines that the modification would require relocation or expansion of the transmission line right-of-way or a certified substation.

(2) ~~Each~~ The proponent of an alternate corridor shall arrange for newspaper notice of the publication of the filing of the proposal for an alternate corridor. *If there is more than one alternate proponent, the proponents may jointly publish notice, so long as the content requirements below are met and the maps are legible.*

(a) *The notice shall specify*, the revised time schedules, the date by which newly affected persons or agencies may file the notice of intent to become a party, ~~and~~ the date of the rescheduled hearing, *and any public hearing held under s. 403.527(1)(b)1.*

(b) A notice listed in this subsection must be published in a newspaper of general circulation within the county or counties crossed by the proposed alternate corridor and comply with the content, size, and map requirements set forth in ~~this section~~ *paragraph (1)(a).*

(c) *The notice of the alternate corridor proposal must be published not less than 45 50 days before the rescheduled certification hearing.*

(3) The department shall arrange for the publication of the following notices in the manner specified by chapter 120:

(a) The notice of the filing of an application and the date by which a person intending to become a party must file a petition to intervene or a notice of intent to be a party. The notice must be published no later than 21 days after the application has been filed.

(b) The notice of any administrative hearing for certification, if applicable. The notice must be published not less than 65 days before the date set for a hearing, except that notice for a rescheduled certification hearing after acceptance of an alternative corridor must be published not less than 50 days before the date set for the hearing.

(c) The notice of the cancellation of a certification hearing under s. 403.527(6), if applicable. The notice must be published not later than 7 days before the date of the originally scheduled certification hearing.

(d) *The notice of the deferment of the certification hearing due to the acceptance of an alternate corridor under s. 403.527(1)(b)2. The notice must be published at least 7 days before the date of the originally scheduled certification hearing.*

(e)~~(d)~~ The notice of the hearing before the siting board, if applicable.

(f)~~(e)~~ The notice of stipulations, proposed agency action, or a petition for modification.

(4) *A local government or regional planning council that proposes to conduct an informational public meeting pursuant to s. 403.5272 must publish notice of the meeting in a newspaper of general circulation within the county or counties in which the proposed electrical transmission line will be located no later than 7 days prior to the meeting. A newspaper of general circulation shall be the newspaper which has the largest daily circulation in that county and has its principal office in that county. If the newspaper with the largest daily circulation has its principal office outside the county, the notices shall appear in both the newspaper having the largest circulation in that county and in a newspaper authorized to publish legal notices in that county.*

(5)(a) *A good faith effort shall be made by the applicant to provide direct notice of the filing of an application for certification by U.S. mail or hand delivery no later than 45 days after filing of the application to*

all local landowners whose property, as noted in the most recent local government tax records, and residences, are located within one-quarter mile of the proposed boundaries of the proposed electrical transmission line corridors, that include a transmission line defined by s. 403.522(22).

(b) No later than 60 days after the filing of an application for certification, the applicant shall file a list with the department's Siting Coordination Office of landowners and residences that were notified.

(6)(a) A good faith effort shall be made by the proponent of an alternate corridor to provide direct notice of the filing of an alternate corridor for certification by U.S. mail or hand delivery of the filing of no later than 30 days after filing of the alternate corridor to all local landowners whose property, as noted in the most recent local government tax records, and residences, are located within one-quarter mile of the proposed boundaries of the proposed alternate transmission line corridor that includes a transmission line defined by 403.522(22).

(b) No later than 45 days after the filing of an alternate corridor for certification, the proponent of an alternate corridor shall file a list with the department's Siting Coordination Office of landowners and residences that were notified.

Section 79. Subsection (1) of section 403.5365, Florida Statutes, is amended to read:

403.5365 Fees; disposition.—The department shall charge the applicant the following fees, as appropriate, which, unless otherwise specified, shall be paid into the Florida Permit Fee Trust Fund:

(1) An application fee.

(a) The application fee shall be \$100,000, plus \$750 per mile for each mile of corridor in which the transmission line right-of-way is proposed to be located within an existing electric transmission line right-of-way or within any existing right-of-way for any road, highway, railroad, or other aboveground linear facility, or \$1,000 per mile for each mile of electric transmission line corridor proposed to be located outside the existing right-of-way.

(b) Sixty percent of the fee shall go to the department to cover any costs associated with coordinating the review of and acting upon the application and any costs for field services associated with monitoring construction and operation of the electric transmission line facility.

(c) The following percentages shall be transferred to the Operating Trust Fund of the Division of Administrative Hearings of the Department of Management Services:

1. Five percent to compensate for expenses from the initial exercise of duties associated with the filing of an application.

2. An additional 10 percent if an administrative hearing under s. 403.527 is held.

(d)1. Upon written request with proper itemized accounting within 90 days after final agency action by the siting board or the department or written notification of the withdrawal of the application, the agencies that prepared reports under s. 403.526 or s. 403.5271 or participated in a hearing under s. 403.527 or s. 403.5271 may submit a written request to the department for reimbursement of expenses incurred during the certification proceedings. The request must contain an accounting of expenses incurred, which may include time spent reviewing the application, preparation of any studies required of the agencies by this act, agency travel and per diem to attend any hearing held under this act, and for the local government or regional planning council providing additional notice of the informational public meeting. The department shall review the request and verify whether a claimed expense is valid. Valid expenses shall be reimbursed; however, if the amount of funds available for reimbursement is insufficient to provide for full compensation to the agencies, reimbursement shall be on a prorated basis.

2. If the application review is held in abeyance for more than 1 year, the agencies may submit a request for reimbursement under subparagraph 1. This time period shall be measured from the date the applicant has provided written notification to the department that it desires to have the application review process placed on hold. The fee disbursement shall be processed in accordance with subparagraph 1.

(e) If any sums are remaining, the department shall retain them for its use in the same manner as is otherwise authorized by this section; however, if the certification application is withdrawn, the remaining sums shall be refunded to the applicant within 90 days after *submittal of the written notification of withdrawal*.

(Redesignate subsequent sections.)

And the title is amended as follows:

Delete line(s) 256-299 and insert: for the content of the rule; amending s. 403.502, F.S.; providing legislative intent; amending s. 403.503, F.S.; defining the term "alternate corridor" and redefining the term "corridor" for purposes of the Florida Electrical Power Plant Siting Act; amending s. 403.504, F.S.; requiring the Department of Environmental Protection to determine whether a proposed alternate corridor is acceptable; amending s. 403.506, F.S.; exempting an electric utility from obtaining certification under the Florida Electrical Power Plant Siting Act before constructing facilities for a power plant using nuclear materials as fuel; providing that a utility may obtain separate licenses, permits, and approvals for such construction under certain circumstances; exempting such provisions from review under ch. 120, F.S.; amending s. 403.5064, F.S.; requiring an applicant to submit a statement to the department if such applicant opts for consideration of alternate corridors; amending s. 403.5065, F.S.; providing for conforming changes; amending s. 403.50663, F.S.; providing for notice of meeting to the general public; amending s. 403.50665, F.S.; requiring an application to include a statement on the consistency of directly associated facilities constituting a "development"; requiring the Department of Environmental Protection to address at the certification hearing the issue of compliance with land use plans and zoning ordinances for a proposed substation located in or along an alternate corridor; amending s. 403.507, F.S.; providing for reports to be submitted to the department no later than 100 days after certification application has been determined complete; amending s. 403.508, F.S.; providing for land use and certification hearings; amending s. 403.509, F.S.; requiring the Governor and Cabinet sitting as the siting board to certify the corridor having the least adverse impact; authorizing the board to deny certification or allow a party to amend its proposal; amending s. 403.511, F.S.; providing for conforming changes; amending s. 403.5112, F.S.; providing for filing of notice; amending s. 403.5113, F.S.; providing for postcertification amendments and postcertification review; amending s. 403.5115, F.S.; requiring the applicant proposing the alternate corridor to publish all notices relating to the application; requiring that such notices comply with certain requirements; requiring that notices be published at least 45 days before the rescheduled certification hearing; amending ss. 403.516, 403.517, and 403.5175, F.S.; providing conforming changes and cross-references; amending s. 403.518, F.S.; authorizing the Department of Environmental Protection to charge an application fee for an alternate corridor; amending ss. 403.519, 403.5252, 403.526, 403.527, 403.5271, 403.5272, 403.5312, 403.5363, 403.5365, and 403.814, F.S., relating to determinations of need and general permits; conforming provisions to changes made by the act; amending s. 403.7031, F.S.;

Amendment 20 (293438)(with title amendment)—Delete line(s) 2448-3173 and insert:

Section 34. *The State Energy Program, as authorized and governed by ss. 20.255, 288.041, 377.601-377.608, 377.701, 377.703, and 377.801-377.806, Florida Statutes, is transferred by a type two transfer as defined in s. 20.06(2), Florida Statutes, from the Department of Environmental Protection to the Florida Energy and Climate Commission.*

Section 35. Section 377.6015, Florida Statutes, is created to read:

377.6015 Florida Energy and Climate Commission.—

(1) *The Florida Energy and Climate Commission is created and shall be located within the Executive Office of the Governor. The commission shall be comprised of nine members, and shall be appointed by the Governor, the Commissioner of Agriculture, and the Chief Financial Officer as follows.*

(a) *The Governor shall select from three persons nominated by the Florida Public Service Commission Nominating Council, created in s. 350.031, for each of seven seats on the commission. The Commissioner of Agriculture shall select from three persons nominated by the council for one seat on the commission. The Chief Financial Officer shall select from three persons nominated by the council for one seat on the commission.*

1. The council shall submit recommendations to the Governor, the Commissioner of Agriculture, and the Chief Financial Officer by September 1 of those years in which the terms are to begin the following October, or within 60 days after a vacancy occurs for any reason other than the expiration of a term. The Governor, the Commissioner of Agriculture, and the Chief Financial Officer may proffer names of persons to be considered for nomination by the council.

2. The Governor, the Commissioner of Agriculture, and the Chief Financial Officer shall fill a vacancy occurring on the commission by appointment of one of the applicants nominated by the council only after a background investigation of the applicant has been conducted by the Department of Law Enforcement.

3. Members shall be appointed to 3-year terms; however, in order to establish staggered terms, for the initial appointments, the Governor shall appoint four members to 3-year terms, two members to 2-year terms, and one member to a 1-year term. The Commissioner of Agriculture and the Chief Financial Officer shall appoint a member each for 3-year terms and shall appoint a successor when that appointee's term expires in the same manner as provided in this paragraph and paragraph (b).

4. The Governor shall select the chair of the commission from one of the nine persons appointed to the commission.

5. Vacancies on the commission shall be filled for the unexpired portion of the term in the same manner as original appointments to the commission.

6. If the Governor, the Commissioner of Agriculture, and the Chief Financial Officer have not made an appointment within 30 days after the receipt of the recommendations, the council shall initiate, in accordance with this section, the nominating process within 30 days.

7. Each appointment to the commission is subject to confirmation by the Senate during the next regular session after the vacancy occurs. If the Senate refuses to confirm or fails to consider an appointment, the council shall initiate, in accordance with this section, the nominating process within 30 days.

(b) Members must meet the following qualifications and restrictions:

1. A member must be an expert in one or more of the following fields: energy, natural resource conservation, economics, engineering, finance, law, transportation and land use, consumer protection, state energy policy, or another field substantially related to the duties and functions of the commission. The commission shall fairly represent the fields specified in this subparagraph.

2. Each member shall, at the time of appointment and at each commission meeting during his or her term of office, disclose:

a. Whether he or she has any financial interest, other than ownership of shares in a mutual fund, in any business entity that, directly or indirectly, owns or controls, or is an affiliate or subsidiary of, any business entity that may be affected by the policy recommendations developed by the commission.

b. Whether he or she is employed by or is engaged in any business activity with any business entity that, directly or indirectly, owns or controls, or is an affiliate or subsidiary of, any business entity that may be affected by the policy recommendations developed by the commission.

(c) The chair may designate *ex officio* nonvoting members to provide information and advice to the commission. The following shall serve as *ex officio* nonvoting members and may provide information and advice at the request of the chair:

1. The chair of the Florida Public Service Commission, or designee;
2. The Public Counsel, or designee;
3. A representative of the Department of Agriculture and Consumer Services;
4. A representative of the Department of Financial Services;
5. A representative of the Department of Environmental Protection;

6. A representative of the Department of Community Affairs;

7. A representative of the Board of Governors of the State University System; and

8. A representative of the Department of Transportation.

(2) Members shall serve without compensation, but are entitled to reimbursement for per diem and travel expenses as provided in s. 112.061.

(3) Meetings of the commission may be held in various locations around the state and at the call of the chair; however, the commission must meet at least six times each year.

(4) The commission may:

(a) Employ staff and counsel as needed in the performance of its duties.

(b) Prosecute and defend legal actions in its own name.

(c) Form advisory groups consisting of members of the public to provide information on specific issues.

(5) The commission shall:

(a) Administer the Florida Renewable Energy and Energy Efficient Technologies Grant Program authorized under s. 377.804 to assure a robust grant portfolio.

(b) Develop policies that require grantees to provide royalty-sharing or licensing agreements with state government for commercialized products developed under a state grant.

(c) Administer the Florida Green Government Grants Act pursuant to s. 377.808 and set annual priorities for grants.

(d) Administer the information gathering and reporting functions pursuant to ss. 377.601-377.608.

(e) Administer the petroleum planning and emergency contingency planning pursuant to ss. 377.701 and 377.703-377.704.

(f) Represent Florida in the Southern States Energy Compact pursuant to ss. 377.71-377.712.

(g) Upon completion by the Governor's Action Team on Energy and Climate Change, complete the annual assessment of the efficacy of Florida's Energy and Climate Change Action Plan pursuant to the Governor's Executive Order 2007-128 and provide specific recommendations to the Governor and the Legislature each year to improve results.

(h) Administer the provisions of the Florida Energy and Climate Protection Act pursuant to ss. 377.801-377.806.

(i) Advocate for energy and climate change issues and provide educational outreach and technical assistance in cooperation with Florida's academic institutions.

(j) Be a party in the proceedings to adopt goals and submit comments to the Public Service Commission pursuant to s. 366.82.

(k) Adopt rules pursuant to chapter 120 to administer all powers and duties described in this section.

Section 36. Section 377.602, Florida Statutes, is amended to read:

377.602 Definitions.—As used in ss. 377.601-377.608, the term:

(1) "Commission" means the Florida Energy and Climate Commission.

(2) "Department" means the Department of Environmental Protection.

(3)(1) "Energy resources" includes, but is ~~shall not be~~ limited to:

(a) Energy converted from solar radiation, wind, hydraulic potential, tidal movements, biomass, geothermal sources, and other energy re-

sources the commission determines to be important to the production or supply of energy.

(b)(a) Propane, butane, motor gasoline, kerosene, home heating oil, diesel fuel, other middle distillates, aviation gasoline, kerosene-type jet fuel, naphtha-type jet fuel, residual fuels, crude oil, and other petroleum products and hydrocarbons as may be determined by the department to be of importance.

(c)(b) All natural gas, including casinghead gas, all other hydrocarbons not defined as petroleum products in paragraph (a), and liquefied petroleum gas as defined in s. 527.01.

(d)(e) All types of coal and products derived from its conversion and used as fuel.

(e)(d) All types of nuclear energy, special nuclear material, and source material, as defined in s. 290.07.

(e) ~~Every other energy resource, whether natural or manmade which the department determines to be important to the production or supply of energy, including, but not limited to, energy converted from solar radiation, wind, hydraulic potential, tidal movements, and geothermal sources.~~

(f) All electrical energy.

(2) ~~“Department” means the Department of Environmental Protection.~~

(4)(3) “Person” means producer, refiner, wholesaler, marketer, consignee, jobber, distributor, storage operator, importer, exporter, firm, corporation, broker, cooperative, public utility as defined in s. 366.02, rural electrification cooperative, municipality engaged in the business of providing electricity or other energy resources to the public, pipeline company, person transporting any energy resources as defined in subsection (1), and person holding energy reserves for further production; however, the term “person” does not include persons exclusively engaged in the retail sale of petroleum products.

Section 37. Section 377.603, Florida Statutes, is amended to read:

377.603 Energy data collection; powers and duties of the ~~commission Department of Environmental Protection.~~

(1) The ~~commission department~~ may ~~shall~~ collect data on the extraction, production, importation, exportation, refinement, transportation, transmission, conversion, storage, sale, or reserves of energy resources in this state in an efficient and expeditious manner.

(2) The ~~commission department~~ may ~~shall~~ prepare periodic reports of energy data it collects.

(3) ~~The department shall prescribe and furnish forms for the collection of information as required by ss. 377.601-377.608 and shall consult with other state entities to assure that such data collected will meet their data requirements.~~

(3)(4) The ~~commission department~~ may adopt and promulgate such rules and regulations as are necessary to carry out the provisions of ss. 377.601-377.608. Such rules shall be pursuant to chapter 120.

(4)(5) The ~~commission department~~ shall maintain internal validation procedures to assure the accuracy of information received.

Section 38. Section 377.604, Florida Statutes, is amended to read:

377.604 Required reports.—Every person who produces, imports, exports, refines, transports, transmits, converts, stores, sells, or holds known reserves of any form of energy resources used as fuel shall report to the ~~commission department at the commission’s request at a frequency set, and in a manner prescribed, by the commission department, on forms provided by the commission department and prepared with the advice of representatives of the energy industry.~~ Such forms shall be designed in such a manner as to indicate:

(1) The identity of the person or persons making the report.

(2) The quantity of energy resources extracted, produced, imported, exported, refined, transported, transmitted, converted, stored, or sold except at retail.

(3) The quantity of energy resources known to be held in reserve in the state.

(4) The identity of each refinery from which petroleum products have normally been obtained and the type and quantity of products secured from that refinery for sale or resale in this state.

(5) Any other information which the ~~commission department~~ deems proper pursuant to the intent of ss. 377.601-377.608.

Section 39. Section 377.605, Florida Statutes, is amended to read:

377.605 Use of existing information.—~~The commission department may use shall utilize~~ to the fullest extent possible any existing energy information already prepared for state or federal agencies. Every state, county, and municipal agency shall cooperate with the ~~commission department~~ and shall submit any information on energy to the ~~commission department~~ upon request.

Section 40. Section 377.606, Florida Statutes, is amended to read:

377.606 Records of the ~~commission department~~; limits of confidentiality.—The information or records of individual persons, as defined herein, obtained by the ~~commission department~~ as a result of a report, investigation, or verification required by the ~~commission department~~, shall be open to the public, except such information the disclosure of which would be likely to cause substantial harm to the competitive position of the person providing such information and which is requested to be held confidential by the person providing such information. Such proprietary information is confidential and exempt from the provisions of s. 119.07(1). Information reported by entities other than the ~~commission department~~ in documents or reports open to public inspection ~~may not shall under no circumstances~~ be classified as confidential by the ~~commission department~~. Divulgence of proprietary information ~~as is~~ requested to be held confidential, except upon order of a court of competent jurisdiction or except to an officer of the state entitled to receive the same in his or her official capacity, ~~is shall be~~ a misdemeanor of the second degree, punishable as provided in ss. 775.082 and 775.083. Nothing herein shall be construed to prohibit the publication or divulgence by other means of data so classified as to prevent identification of particular accounts or reports made to the ~~commission department~~ in compliance with s. 377.603 or to prohibit the disclosure of such information to properly qualified legislative committees. The ~~commission department~~ shall establish a system which permits reasonable access to information developed.

Section 41. Section 377.701, Florida Statutes, is amended to read:

377.701 Petroleum allocation.—

(1) The ~~Florida Energy and Climate Commission Department of Environmental Protection~~ shall assume the state’s role in petroleum allocation and conservation, including the development of a fair and equitable petroleum plan. The ~~commission department~~ shall constitute the responsible state agency for performing the functions of any federal program delegated to the state, which relates to petroleum supply, demand, and allocation.

(2) The ~~commission department~~ shall, in addition to assuming the duties and responsibilities provided by subsection (1), perform the following:

(a) In projecting available supplies of petroleum, coordinate with the Department of Revenue to secure information necessary to assure the sufficiency and accuracy of data submitted by persons affected by any federal fuel allocation program.

(b) Require such periodic reports from public and private sources as may be necessary to the fulfillment of its responsibilities under this act. Such reports may include: petroleum use; all sales, including end-user sales, except retail gasoline and retail fuel oil sales; inventories; expected supplies and allocations; and petroleum conservation measures.

(c) In cooperation with the Department of Revenue and other relevant state agencies, provide for long-range studies regarding the usage of petroleum in the state in order to:

1. Comprehend the consumption of petroleum resources.

2. Predict future petroleum demands in relation to available resources.
3. Report the results of such studies to the Legislature.

(3) For the purpose of determining accuracy of data, all state agencies shall timely provide the *commission* department with petroleum-use information in a format suitable to the needs of the allocation program.

(4) A No state employee *may not* shall divulge or make known in any manner any proprietary information acquired under this act if the disclosure of such information would be likely to cause substantial harm to the competitive position of the person providing such information and if the person requests that such information be held confidential, except in accordance with a court order or in the publication of statistical information compiled by methods which *do* would not disclose the identity of individual suppliers or companies. Such proprietary information is confidential and exempt from the provisions of s. 119.07(1). Nothing in this subsection shall be construed to prevent inspection of reports by the Attorney General, members of the Legislature, and interested state agencies; however, such agencies and their employees and members are bound by the requirements set forth in this subsection.

(5) Any person who willfully fails to submit information required by this act or submits false information or who violates any provision of this act *commits* is guilty of a misdemeanor of the first degree and shall be punished as provided in ss. 775.082 and 775.083.

Section 42. Section 377.703, Florida Statutes, is amended to read:

377.703 Additional functions of the *commission* Department of Environmental Protection; energy emergency contingency plan; federal and state conservation programs.—

(1) LEGISLATIVE INTENT.—Recognizing that energy supply and demand questions have become a major area of concern to the state and which must be dealt with by effective and well-coordinated state action, it is the intent of the Legislature to promote the efficient, effective, and economical management of energy problems, centralize energy coordination responsibilities, pinpoint responsibility for conducting energy programs, and ensure the accountability of state agencies for the implementation of s. 377.601(4), the state energy policy. It is the specific intent of the Legislature that nothing in this act shall in any way change the powers, duties, and responsibilities assigned by the Florida Electrical Power Plant Siting Act, part II of chapter 403, or the powers, duties, and responsibilities of the Florida Public Service Commission.

(2) DEFINITIONS.—

(a) “Coordinate,” “coordination,” or “coordinating” means the examination and evaluation of state plans and programs and the providing of recommendations to the Cabinet, Legislature, and appropriate state agency on any measures deemed necessary to ensure that such plans and programs are consistent with state energy policy.

(b) “Energy conservation” means increased efficiency in the utilization of energy.

(c) “Energy emergency” means an actual or impending shortage or curtailment of usable, necessary energy resources, such that the maintenance of necessary services, the protection of public health, safety, and welfare, or the maintenance of basic sound economy is imperiled in any geographical section of the state or throughout the entire state.

(d) “Energy source” means electricity, fossil fuels, solar power, wind power, hydroelectric power, nuclear power, or any other resource which has the capacity to do work.

(e) “Facilities” means any building or structure not otherwise exempted by the provisions of this act.

(f) “Fuel” means petroleum, crude oil, petroleum product, coal, natural gas, or any other substance used primarily for its energy content.

(g) “Local government” means any county, municipality, regional planning agency, or other special district or local governmental entity the policies or programs of which may affect the supply or demand, or both, for energy in the state.

(h) “Promotion” or “promote” means to encourage, aid, assist, provide technical and financial assistance, or otherwise seek to plan, develop, and expand.

(i) “Regional planning agency” means those agencies designated as regional planning agencies by the Department of Community Affairs.

(j) “Renewable energy resource” means any method, process, or substance the use of which does not diminish its availability or abundance, including, but not limited to, biomass conversion, geothermal energy, solar energy, wind energy, wood fuels derived from waste, ocean thermal gradient power, hydroelectric power, and fuels derived from agricultural products.

(2)(3) FLORIDA ENERGY AND CLIMATE COMMISSION DEPARTMENT OF ENVIRONMENTAL PROTECTION; DUTIES.—The *commission* Department of Environmental Protection shall, in addition to assuming the duties and responsibilities provided by ss. 20.255 and 377.701, perform the following functions consistent with the development of a state energy policy:

(a) The *commission* department shall assume the responsibility for development of an energy emergency contingency plan to respond to serious shortages of primary and secondary energy sources. Upon a finding by the Governor, implementation of any emergency program shall be upon order of the Governor that a particular kind or type of fuel is, or that the occurrence of an event which is reasonably expected within 30 days will make the fuel, in short supply. The *commission* department shall then respond by instituting the appropriate measures of the contingency plan to meet the given emergency or energy shortage. The Governor may use utilize the provisions of s. 252.36(5) to carry out any emergency actions required by a serious shortage of energy sources.

(b) The *commission* department shall be constitute the responsible state agency for performing or coordinating the functions of any federal energy programs delegated to the state, including energy supply, demand, conservation, or allocation.

(c) The *commission* department shall analyze present and proposed federal energy programs and make recommendations regarding those programs to the Governor.

(d) The *commission* department shall coordinate efforts to seek federal support or other support for state energy activities, including energy conservation, research, or development, and shall be the state agency responsible for the coordination of multiagency energy conservation programs and plans.

(e) The *commission* department shall analyze energy data collected and prepare long-range forecasts of energy supply and demand in coordination with the Florida Public Service Commission, which shall have responsibility for electricity and natural gas forecasts. To this end, the forecasts shall contain:

1. An analysis of the relationship of state economic growth and development to energy supply and demand, including the constraints to economic growth resulting from energy supply constraints.

2. Plans for the development of renewable energy resources and reduction in dependence on depletable energy resources, particularly oil and natural gas, and an analysis of the extent to which renewable energy sources are being utilized in the state.

3. Consideration of alternative scenarios of statewide energy supply and demand for 5, 10, and 20 years, to identify strategies for long-range action, including identification of potential social, economic, and environmental effects.

4. An assessment of the state’s energy resources, including examination of the availability of commercially developable and imported fuels, and an analysis of anticipated effects on the state’s environment and social services resulting from energy resource development activities or from energy supply constraints, or both.

(f) The *commission* department shall annually prepare and submit make a report, as requested by to the Governor and or the Legislature, reflecting its activities and making recommendations of policies for improvement of the state’s response to energy supply and demand and its effect on the health, safety, and welfare of the people of Florida. The

report shall include a report from the Florida Public Service Commission on electricity and natural gas and information on energy conservation programs conducted and under way in the past year and shall include recommendations for energy conservation programs for the state, including, but not limited to, the following factors:

1. Formulation of specific recommendations for improvement in the efficiency of energy utilization in governmental, residential, commercial, industrial, and transportation sectors.

2. Collection and dissemination of information relating to energy conservation.

3. Development and conduct of educational and training programs relating to energy conservation.

4. An analysis of the ways in which state agencies are seeking to implement s. 377.601(4), the state energy policy, and recommendations for better fulfilling this policy.

(g) The *commission* is authorized ~~department has authority~~ to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this act.

(h) *The commission shall promote* ~~Promote~~ the development and use of renewable energy resources, in conformance with the provisions of chapter 187 and s. 377.601, by:

1. Establishing goals and strategies for increasing the use of solar energy in this state.

2. Aiding and promoting the commercialization of solar energy technology, in cooperation with the Florida Solar Energy Center, Enterprise Florida, Inc., and any other federal, state, or local governmental agency which may seek to promote research, development, and demonstration of solar energy equipment and technology.

3. Identifying barriers to greater use of solar energy systems in this state, and developing specific recommendations for overcoming identified barriers, with findings and recommendations to be submitted annually in the report to the Legislature required under paragraph (f).

4. In cooperation with the *Department of Environmental Protection*, Department of Transportation, the Department of Community Affairs, Enterprise Florida, Inc., the Florida Solar Energy Center, and the Florida Solar Energy Industries Association, investigating opportunities, pursuant to the National Energy Policy Act of 1992 and the Housing and Community Development Act of 1992, *and any subsequent federal legislation*, for solar electric vehicles and other solar energy manufacturing, distribution, installation, and financing efforts which will enhance this state's position as the leader in solar energy research, development, and use.

5. Undertaking other initiatives to advance the development and use of renewable energy resources in this state.

In the exercise of its responsibilities under this paragraph, the *commission* ~~department~~ shall seek the assistance of the solar energy industry in this state and other interested parties and is authorized to enter into contracts, retain professional consulting services, and expend funds appropriated by the Legislature for such purposes.

(i) The *commission* ~~department~~ shall promote energy conservation in all energy use sectors throughout the state and shall constitute the state agency primarily responsible for this function. To this end, the department shall coordinate the energy conservation programs of all state agencies and review and comment on the energy conservation programs of all state agencies.

(j) The *commission* ~~department~~ shall serve as the state clearinghouse for indexing and gathering all information related to energy programs in state universities, in private universities, in federal, state, and local government agencies, and in private industry and shall prepare and distribute such information in any manner necessary to inform and advise the citizens of the state of such programs and activities. This ~~includes shall include~~ developing and maintaining a current index and profile of all research activities, which shall be identified by energy area and may include a summary of the project, the amount and sources of funding, anticipated completion dates, or, in case of completed research, conclusions, recommendations, and applicability to state government

and private sector functions. The *commission* ~~department~~ shall coordinate, promote, and respond to efforts by all sectors of the economy to seek financial support for energy activities. The *commission* ~~department~~ shall provide information to consumers regarding the anticipated energy-use and energy-saving characteristics of products and services in coordination with any federal, state, or local governmental agencies *that* as may provide such information to consumers.

(k) The *commission* ~~department~~ shall coordinate energy-related programs of state government, including, but not limited to, the programs provided in this section. To this end, the *commission* ~~department~~ shall:

1. Provide assistance to other state agencies, counties, municipalities, and regional planning agencies to further and promote their energy planning activities.

2. Require, in cooperation with the Department of Management Services, all state agencies to operate state-owned and state-leased buildings in accordance with energy conservation standards as adopted by the Department of Management Services. Every 3 months, the Department of Management Services shall furnish the *commission* ~~department~~ data on agencies' energy consumption and *emissions of greenhouse gases* in a format *prescribed by the commission*. ~~mutually agreed upon by the two departments.~~

3. Promote the development and use of renewable energy resources, energy efficiency technologies, and conservation measures.

4. Promote the recovery of energy from wastes, including, but not limited to, the use of waste heat, the use of agricultural products as a source of energy, and recycling of manufactured products. Such promotion shall be conducted in conjunction with, and after consultation with, the Department of Environmental Protection, the Florida Public Service Commission *if* ~~where~~ electrical generation or natural gas is involved, and any other relevant federal, state, or local governmental agency having responsibility for resource recovery programs.

(l) The *commission* ~~department~~ shall develop, coordinate, and promote a comprehensive research plan for state programs. Such plan shall be consistent with state energy policy and shall be updated on a biennial basis.

(m) In recognition of the devastation to the economy of this state and the dangers to the health and welfare of *state* residents ~~of this state~~ caused by *severe hurricanes*, ~~Hurricane Andrew~~, and the potential for such impacts caused by other natural disasters, the *commission* ~~department~~ shall include in its energy emergency contingency plan and provide to the *Florida Building Commission* ~~Department of Community Affairs~~ for inclusion in the *Florida Energy Efficiency Code for Building Construction* ~~state model energy efficiency building code~~ specific provisions to facilitate the use of cost-effective solar energy technologies as emergency remedial and preventive measures for providing electric power, street lighting, and water heating service in the event of electric power outages.

(3)(4) The *commission* ~~department~~ shall be responsible for the administration of the Coastal Energy Impact Program provided for and described in ~~Pub. L. No. 94-370~~, 16 U.S.C. s. 1456a.

Section 43. Paragraph (a) of subsection (2) of section 377.705, Florida Statutes, is amended to read:

377.705 Solar Energy Center; development of solar energy standards.—

(2) LEGISLATIVE FINDINGS AND INTENT.—

(a) The Legislature recognizes that ~~if present trends continue, Florida will increase present energy consumption sixfold by the year 2000. Because of this dramatic increase and because existing domestic conventional energy resources will not provide sufficient energy to meet the nation's future needs, new sources of energy must be developed and applied. One such source, solar energy, has been in limited use in Florida for 30 years. Applications of incident solar energy, the use of solar radiation to provide energy for water heating, space heating, space cooling, and other uses, through suitable absorbing equipment on or near a residence or commercial structure, must be extensively expanded. Unfortunately, the initial costs with regard to the production of solar energy have been prohibitively expensive. However, because of increases~~

in the cost of conventional fuel, certain applications of solar energy are becoming competitive, particularly when life-cycle costs are considered. It is the intent of the Legislature in formulating a sound and balanced energy policy for the state to encourage the development of an alternative energy capability in the form of incident solar energy.

Section 44. Section 377.801, Florida Statutes, is amended to read:

377.801 Short title.—Sections 377.801-377.806 may be cited as the “*Florida Energy and Climate Protection Florida Renewable Energy Technologies and Energy Efficiency Act.*”

Section 45. Section 377.802, Florida Statutes, is amended to read:

377.802 Purpose.—This act is intended to provide *incentives for Florida’s citizens, businesses, school districts and local governments to take action to diversify Florida’s energy supplies, reduce dependence on foreign oil, and mitigate the effects of climate change by providing funding for activities designed to achieve these goals. The grant programs in this act are intended to stimulate capital investment and enhance the market for renewable energy technologies and technologies intended to diversify Florida’s energy supplies, reduce dependence on foreign oil, and combat or limit climate change impacts. This act is also intended to provide incentives for the purchase of energy-efficient appliances and rebates for solar energy equipment installations for residential and commercial buildings matching grants to stimulate capital investment in the state and to enhance the market for and promote the statewide utilization of renewable energy technologies. The targeted grants program is designed to advance the already growing establishment of renewable energy technologies in the state and encourage the use of other incentives such as tax exemptions and regulatory certainty to attract additional renewable energy technology producers, developers, and users to the state. This act is also intended to provide incentives for the purchase of energy-efficient appliances and rebates for solar energy equipment installations for residential and commercial buildings.*

Section 46. Section 377.803, Florida Statutes, is amended to read:

377.803 Definitions.—As used in ss. 377.801-377.806, the term:

(1) “Act” means the *Florida Energy and Climate Protection Act Florida Renewable Energy Technologies and Energy Efficiency Act.*

(2) “Approved metering equipment” means a device capable of measuring the energy output of a solar thermal system that has been approved by the commission.

(2)(3) “Commission” means the Florida Public Service Commission.

(4) “Department” means the Department of Environmental Protection.

(3)(5) “Person” means an individual, partnership, joint venture, private or public corporation, association, firm, public service company, or any other public or private entity.

(4)(6) “Renewable energy” means electrical, mechanical, or thermal energy produced from a method that uses one or more of the following fuels or energy sources: hydrogen, biomass, solar energy, geothermal energy, wind energy, ocean energy, waste heat, or hydroelectric power.

(5)(7) “Renewable energy technology” means any technology that generates or utilizes a renewable energy resource.

(6)(8) “Solar energy system” means equipment that provides for the collection and use of incident solar energy for water heating, space heating or cooling, or other applications that would normally require a conventional source of energy such as petroleum products, natural gas, or electricity that performs primarily with solar energy. In other systems in which solar energy is used in a supplemental way, only those components that collect and transfer solar energy *are shall* be included in this definition.

(7)(9) “Solar photovoltaic system” means a device that converts incident sunlight into electrical current.

(8)(10) “Solar thermal system” means a device that traps heat from incident sunlight in order to heat water.

Section 47. Section 377.804, Florida Statutes, as amended by section 52 of chapter 2007-73, Laws of Florida, is amended to read:

377.804 Renewable Energy and Energy Efficient Technologies Grants Program.—

(1) The Renewable Energy and Energy Efficient Technologies Grants Program is established within the ~~commission department~~ to provide renewable energy matching grants for demonstration, commercialization, research, and development projects relating to renewable energy technologies and *innovative technologies that significantly increase energy efficiency for vehicles and commercial buildings.*

(2) Matching grants for renewable energy technology demonstration, commercialization, research, and development projects may be made to any of the following:

- (a) Municipalities and county governments.
- (b) Established for-profit companies licensed to do business in the state.
- (c) Universities and colleges in the state.
- (d) Utilities located and operating within the state.
- (e) Not-for-profit organizations.
- (f) Other qualified persons, as determined by the ~~commission department~~.

(3) The department may adopt rules pursuant to ss. 120.536(1) and 120.54 to provide for application requirements, provide for ranking of applications, and administer the awarding of grants under this program, *and develop policies requiring grantees to provide royalty-sharing or licensing agreements with the state for commercialized products developed under a state grant. All grants may be reviewed by a peer-review process of experts. Up to 5 percent of all grants may be used to pay review expenses, if necessary.*

(4) Factors the ~~commission department~~ shall consider in awarding grants include, but are not limited to:

(a) The availability of matching funds or other in-kind contributions applied to the total project from an applicant. The ~~commission department~~ shall give greater preference to projects that provide such matching funds or other in-kind contributions.

(b) The degree to which the project stimulates in-state capital investment and economic development in metropolitan and rural areas, including the creation of jobs and the future development of a commercial market for renewable energy technologies.

(c) The extent to which the proposed project has been demonstrated to be technically feasible based on pilot project demonstrations, laboratory testing, scientific modeling, or engineering or chemical theory that supports the proposal.

(d) The degree to which the project incorporates an innovative new technology or an innovative application of an existing technology.

(e) The degree to which a project generates thermal, mechanical, or electrical energy by means of a renewable energy resource that has substantial long-term production potential.

(f) The degree to which a project demonstrates efficient use of energy and material resources.

(g) The degree to which the project fosters overall understanding and appreciation of renewable energy technologies.

(h) The ability to administer a complete project.

(i) Project duration and timeline for expenditures.

(j) The geographic area in which the project is to be conducted in relation to other projects.

(k) The degree of public visibility and interaction.

(5) The ~~commission department~~ shall solicit the expertise of other state agencies in evaluating project proposals. State agencies shall cooperate with the ~~commission Department of Environmental Protection~~ and provide such assistance as requested.

(6) The ~~commission department~~ shall coordinate and actively consult with the Department of Agriculture and Consumer Services during the review and approval process of grants relating to bioenergy projects for renewable energy technology, ~~and the departments shall jointly determine the grant awards to these bioenergy projects. No grant funding shall be awarded to any bioenergy project without such joint approval.~~ Factors for consideration in awarding grants may include, but are not limited to, the degree to which:

(a) The project stimulates in-state capital investment and economic development in metropolitan and rural areas, including the creation of jobs and the future development of a commercial market for bioenergy.

(b) The project produces bioenergy from Florida-grown crops or biomass.

(c) The project demonstrates efficient use of energy and material resources.

(d) The project fosters overall understanding and appreciation of bioenergy technologies.

(e) Matching funds and in-kind contributions from an applicant are available.

(f) The project duration and the timeline for expenditures are acceptable.

(g) The project has a reasonable assurance of enhancing the value of agricultural products or will expand agribusiness in the state.

(h) Preliminary market and feasibility research has been conducted by the applicant or others and shows there is a reasonable assurance of a potential market.

(7) *Each application must be accompanied by an affidavit from the applicant attesting to the veracity of the statements contained in the application.*

Section 48. Section 377.808, Florida Statutes, is created to read:

377.808 Florida Green Government Grants Act.—

(1) *This section may be cited as the “Florida Green Government Grants Act.”*

(2) *The Florida Energy and Climate Commission shall use funds specifically appropriated to award grants under this section to assist local governments, including municipalities, counties, and school districts, in the development of programs that achieve green standards. Those standards shall be determined by the commission and must provide for cost-efficient solutions, reducing greenhouse gas emissions, improving quality of life, and strengthening this state’s economy.*

(3) *The commission shall adopt rules pursuant to chapter 120 to administer the grants provided for in this section. In accordance with such rules, the commission may provide grants from funds specifically appropriated for this purpose to local governments for the costs of achieving green standards, including necessary administrative expenses. The rules of the commission must:*

(a) *Designate one or more suitable green government standards framework from which local governments may develop a greening government initiative, and from which projects may be eligible for funding pursuant to this statute may be developed.*

(b) *Require projects that plan, design, construct, upgrade, or replace facilities be cost-effective, environmentally sound, reduce greenhouse gas emissions, and be permissible and implementable.*

(c) *Require local governments to match state funds with direct project cost share or in-kind services.*

(d) *Provide for a scale of matching requirements for local governments on the basis of population in order to assist rural and undeveloped*

areas of the state with any financial burden of addressing climate change impacts.

(e) *Require grant applications to be submitted on appropriate forms developed and adopted by the commission with appropriate supporting documentation and require records to be maintained.*

(f) *Establish a system to determine the relative priority of grant applications. The system must consider greenhouse gas reductions, energy savings and efficiencies, and proven technologies.*

(g) *Establish requirements for competitive procurement of engineering and construction services, materials, and equipment.*

(h) *Provide for the termination of grants when program requirements are not met.*

(4) *Each local government is limited to not more than two grant applications during each application period announced by the commission. A local government may not have more than three active projects expending grant funds during any state fiscal year.*

(5) *The commission shall perform adequate overview of each grant, which may include technical review, site inspections, disbursement approvals, and auditing to successfully implement this section.*

Section 49. *Section 377.901, Florida Statutes, is repealed.*

(Redesignate subsequent sections.)

And the title is amended as follows:

Delete line(s) 199-244 and insert: alternative energy technologies; transferring the State Energy Program from the Department of Environmental Protection to the Florida Energy and Climate Commission; creating s. 377.6015, F.S.; creating the Florida Energy and Climate Commission; providing for the appointment and qualifications of members; providing for meetings, duties, and authority of the commission; authorizing the commission to adopt rules; amending s. 377.602, F.S.; revising definitions; amending ss. 377.603, 377.604, 377.605, and 377.606, F.S.; conforming provisions to changes made by the act; amending s. 377.701, F.S.; assigning responsibility for petroleum allocation and conservation to the commission rather than the Department of Environmental Protection; amending s. 377.703, F.S.; assigning additional duties to the Florida Energy and Climate Commission relating to state energy policy; deleting definitions; conforming cross-references; amending s. 377.705, F.S.; revising legislative intent relating to solar energy standards; amending s. 377.801, F.S.; revising a short title; amending s. 377.802, F.S.; revising the purpose of the Florida Energy and Climate Protection Act; amending s. 377.803, F.S.; revising definitions; amending s. 377.804, F.S.; assigning responsibility for the Renewable Energy and Energy-Efficient Technologies Grant Program to the Florida Energy and Climate Commission rather than the Department of Environmental Protection; requiring the commission to develop policies relating to commercialized products developed under a state grant; requiring grant applications to include an affidavit attesting to the veracity of statements in the application; amending s. 377.806, F.S.; providing for administration of the Solar Energy System Incentives Program by the Florida Energy and Climate Commission rather than the Department of Environmental Protection; requiring compliance with the Florida Building Code rather than local codes in order to be eligible for a rebate under the program; creating s. 377.808, F.S.; creating the Florida Green Government Grants Act; providing a short title; requiring the Florida Energy and Climate Commission to award grants to assist local governments in the development of programs that achieve green standards; requiring the commission to adopt rules; providing requirements for the rules; limiting the number of grant applications by a local government; limiting the number of active projects that may be conducted by a local government; requiring the commission to perform an overview of each grant; repealing s. 377.901, F.S., relating to the Florida Energy Commission within the Department of Environmental Protection; creating s. 377.921, F.S., relating to

Pursuant to Rule 4.19, **CS for CS for CS for SB 1544** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for CS for SB 1992** was deferred.

SENATOR DEUTCH PRESIDING

By Senator Villalobos—

CS for SB 92—A bill to be entitled An act relating to persons injured by crime; providing a short title; creating s. 843.21, F.S.; prohibiting the depriving of a victim injured by a crime of medical treatment with specified intent; providing penalties; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 92** was placed on the calendar of Bills on Third Reading.

By Senator Rich—

CS for SB 278—A bill to be entitled An act relating to the protection of lifeguards; amending s. 784.07, F.S.; providing a definition; providing enhanced penalties for an assault or battery on a lifeguard while he or she is engaged in the lawful performance of his or her duties; amending ss. 435.04, 901.15, 943.051, and 985.11, F.S.; conforming provisions; amending s. 921.0022, F.S., and reenacting paragraph (3)(d), relating the offense severity ranking chart, to conform; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 278** was placed on the calendar of Bills on Third Reading.

On motion by Senator Atwater—

CS for CS for SB 76—A bill to be entitled An act relating to criminal activity; creating s. 16.62, F.S.; creating the Coordinating Council on Criminal Gang Reduction Strategies within the Department of Legal Affairs; providing for membership and administration of the council; providing duties of the council; requiring the Department of Legal Affairs to provide staff and administrative support to the council; providing for the expiration of the council; amending s. 775.0846, F.S.; providing that a person commits a felony of the third degree if he or she is in possession of a bulletproof vest when committing or attempting to commit certain specified crimes; amending s. 775.13, F.S.; requiring certain felons whose offenses related to criminal gangs to register with the sheriff; providing penalties; amending s. 790.23, F.S.; providing penalties for certain persons possessing a firearm; amending s. 823.05, F.S.; revising provisions relating to the enjoining of public nuisances to include certain nuisances related to criminal gangs and criminal gang activities; providing for enjoining such nuisances; providing for local laws; amending s. 874.01, F.S.; revising a short title; amending s. 874.02, F.S.; revising legislative findings and intent; amending s. 874.03, F.S.; creating and revising definitions; redefining “criminal street gangs” as “criminal gangs”; amending s. 874.04, F.S.; conforming provisions; revising an evidentiary standard; creating s. 874.045, F.S.; providing that ch. 874, F.S., does not preclude arrest and prosecution under other specified provisions; amending s. 874.05, F.S.; revising provisions relating to soliciting or causing another to join a criminal gang; amending s. 874.06, F.S.; authorizing the state to bring civil actions for certain violations; providing that a plaintiff has a superior claim to property or proceeds; providing penalties for knowing violation of certain orders; amending s. 874.08, F.S.; conforming provisions relating to forfeiture; amending s. 874.09, F.S.; providing additional powers for the Department of Law Enforcement and local law enforcement agencies relating to crime data information; creating s. 874.10, F.S.; prohibiting persons from initiating, organizing, planning, financing, directing, managing, or supervising criminal gang-related activity; providing penalties; creating s. 874.11, F.S.; prohibiting use of electronic communications to further the interests of a criminal gang; providing penalties; creating s. 874.12, F.S.; defining the term “identification document”; prohibiting possession of certain identification documents for specified purposes; providing penalties; amending s. 893.138, F.S.; conforming terminology to changes made by the act; amending s. 895.02, F.S.; adding certain offenses to the definition of “racketeering activity”; conforming terminology to changes made by this act; amending s. 903.046, F.S.; adding to the list of items a court may consider when determining whether to release a defendant on bail; amending s. 914.22, F.S.; revising the penalties for tampering

with or harassing witnesses; amending s. 943.031, F.S.; revising provisions relating to the Florida Violent Crime and Drug Control Council; providing duties concerning criminal gangs; creating the Drug Control Strategy and Criminal Gangs Committee; providing for duties of the committee concerning funding of certain programs; providing for reports; amending s. 947.18, F.S.; prohibiting certain parolees from communicating with criminal gang members; providing exceptions; amending s. 947.1405, F.S.; prohibiting certain conditional releasees from communicating with criminal gang members; providing exceptions; creating s. 948.033, F.S., prohibiting certain probationers or community controllees from communicating with criminal gang members; providing exceptions; amending s. 921.0022, F.S.; adding offenses to the offense severity ranking chart of the Criminal Punishment Code; conforming terminology to changes made by this act; amending ss. 921.0024, 921.141, 943.325, 984.03, 985.03, 985.047, and 985.433, F.S.; conforming cross-references and terminology to changes made by this act; providing a directive to the Division of Statutory Revision; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for CS for SB 76** to **CS for CS for HB 43**.

Pending further consideration of **CS for CS for SB 76** as amended, on motion by Senator Atwater, by two-thirds vote **CS for CS for HB 43** was withdrawn from the Committees on Criminal Justice; Judiciary; and Criminal and Civil Justice Appropriations.

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

CS for CS for HB 43—A bill to be entitled An act relating to criminal activity; amending s. 775.13, F.S.; requiring certain felons whose offenses related to criminal gangs to register; providing penalties; amending s. 790.23, F.S.; providing penalties for certain persons possessing a firearm; amending s. 775.0846, F.S.; providing that a person commits a third degree felony if he or she possesses a bulletproof vest while committing or attempting to commit specified crimes; amending s. 823.05, F.S.; revising provisions relating to the enjoining of public nuisances to include certain nuisances related to criminal gangs and criminal gang activities; providing for enjoining such nuisances; providing for local laws; amending s. 874.01, F.S.; revising a short title; amending s. 874.02, F.S.; revising legislative findings and intent; amending s. 874.03, F.S.; creating and revising definitions; redefining “criminal street gangs” as “criminal gangs”; amending s. 874.04, F.S.; conforming provisions; revising an evidentiary standard; creating s. 874.045, F.S.; providing that chapter 874, F.S., does not preclude arrest and prosecution under other specified provisions; amending s. 874.05, F.S.; revising provisions relating to soliciting or causing another to join a criminal gang; amending s. 874.06, F.S.; authorizing the state to bring civil actions for certain violations; providing that a plaintiff has a superior claim to property or proceeds; providing penalties for knowing violation of certain orders; amending s. 874.08, F.S.; conforming provisions relating to forfeiture; amending s. 874.09, F.S.; providing additional powers for the Department of Law Enforcement and local law enforcement agencies relating to crime data information; creating s. 874.10, F.S.; prohibiting persons from knowingly initiating, organizing, planning, financing, directing, managing, or supervising criminal gang-related activity; providing penalties; creating s. 874.11, F.S.; prohibiting use of electronic communications to further the interests of a criminal gang; providing penalties; creating s. 874.12, F.S.; defining the term “identification document”; prohibiting possession of certain identification documents for specified purposes; providing penalties; amending s. 895.02, F.S.; adding certain offenses to the definition of “racketeering activity”; conforming terminology to changes made by this act; amending s. 903.046, F.S.; adding to the list of items a court may consider when determining whether to release a defendant on bail; amending s. 914.22, F.S.; revising the penalties for tampering with or harassing witnesses; amending s. 943.031, F.S.; revising provisions relating to the Florida Violent Crime and Drug Control Council; providing duties concerning criminal gangs; creating the Drug Control Strategy and Criminal Gangs Committee; providing for duties of the committee concerning funding of certain programs; providing for reports; creating s. 948.033, F.S.; prohibiting certain probationers or community controllees from communicating with criminal gang members; providing exceptions; amending s. 947.18, F.S.; prohibiting certain parolees from communicating with criminal gang members; providing exceptions; amending s. 947.1405, F.S.; prohibiting certain conditional releasees from communicating with criminal gang members; providing

exceptions; amending s. 893.138, F.S.; conforming terminology to changes made by this act; amending s. 921.0022, F.S.; adding offenses to the offense severity ranking chart of the Criminal Punishment Code; conforming terminology to changes made by this act; amending ss. 921.0024, 921.141, 943.325, 984.03, 985.03, 985.047, and 985.433, F.S.; conforming cross-references and terminology to changes made by this act; providing a directive to the Division of Statutory Revision; creating the Coordinating Council on Criminal Gang Reduction Strategies; providing membership of the council; providing duties of the council; providing for expiration of the council; providing effective dates.

—a companion measure, was substituted for **CS for CS for SB 76** as amended and read the second time by title.

MOTION

On motion by Senator Atwater, the rules were waived to allow the following amendments to be considered:

Senator Atwater moved the following amendments which were adopted:

Amendment 1 (081440)—Delete line 1498 and insert:
 874.10 1st, PBL *Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.*

Amendment 2 (564794)—Delete line 1976 and insert:
 (j) *The council shall cease to exist on June 30, 2009.*

Amendment 3 (703050)—Delete line 1464 and insert:
 790.23 1st, PBL *Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.*

Pursuant to Rule 4.19, **CS for CS for HB 43** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Aronberg, by two-thirds vote **CS for HB 537** was withdrawn from the Committees on Criminal Justice; Judiciary; and Criminal and Civil Justice Appropriations.

On motion by Senator Aronberg—

CS for HB 537—A bill to be entitled An act relating to the offense of voyeurism; amending s. 810.145, F.S.; providing that it is a third-degree felony for certain persons who are responsible for the welfare of a child younger than 16 years of age to commit the offense of video voyeurism, video voyeurism dissemination, or commercial video voyeurism dissemination against that child; providing that it is a third-degree felony for a person employed at a school or voluntary prekindergarten education program to commit the offense of video voyeurism, video voyeurism dissemination, or commercial video voyeurism dissemination against a student of the school or voluntary prekindergarten education program; providing that it is a third-degree felony for a person who is 24 years of age or older to commit the offense of video voyeurism, video voyeurism dissemination, or commercial video voyeurism dissemination against a child younger than 16 years of age; providing that it is a second-degree felony for a person who was previously convicted of or adjudicated delinquent for video voyeurism, video voyeurism dissemination, or commercial video voyeurism dissemination to commit any such third-degree felony against a child younger than 16 years of age or a student; providing criminal penalties; providing an effective date.

—a companion measure, was substituted for **CS for SB 328** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 537** was placed on the calendar of Bills on Third Reading.

On motion by Senator Dockery, by two-thirds vote **CS for HB 321** was withdrawn from the Committees on Criminal Justice; Judiciary; and Criminal and Civil Justice Appropriations.

On motion by Senator Dockery—

CS for HB 321—A bill to be entitled An act relating to murder of law enforcement officers; creating s. 782.065, F.S.; providing a minimum mandatory sentence for certain offenses; providing an effective date.

—a companion measure, was substituted for **CS for SB 1064** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 321** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for CS for SB 756** was deferred.

On motion by Senator Lynn, by two-thirds vote **CS for HB 1363** was withdrawn from the Committees on Criminal Justice; Health Regulation; and Criminal and Civil Justice Appropriations.

On motion by Senator Lynn—

CS for HB 1363—A bill to be entitled An act relating to controlled substances; amending s. 893.03, F.S.; including Salvia divinorum and Salvinorin A on the list of controlled substances in Schedule I; providing exceptions from the scheduling of Salvia divinorum and Salvinorin A; reenacting ss. 893.13(1)(a), (c), (d), (e), (f), and (h), (2)(a), (4)(b), and (5)(b), and 921.0022(3)(b), (c), and (e), F.S., relating to prohibited acts and penalties concerning controlled substances and the offense severity chart of the Criminal Punishment Code, to incorporate the amendment to s. 893.03, F.S., in references thereto; providing an effective date.

—a companion measure, was substituted for **CS for SB's 340 and 1612** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 1363** was placed on the calendar of Bills on Third Reading.

By Senator Dean—

CS for SB 1462—A bill to be entitled An act relating to direct-support organizations; creating s. 292.055, F.S.; creating the “Sergeant First Class Paul R. Smith Memorial Act”; authorizing the Department of Veterans’ Affairs to establish a direct-support organization to assist the department; providing definitions; providing purposes, objectives, and duties of the direct-support organization; providing for a board of directors and membership requirements for the board members; requiring the direct-support organization to operate under contract with the department; delineating contract and other governance requirements; providing guidelines for the use of funds; providing for the use of property, facilities, and personal services of the department; providing restrictions; providing limits on the direct-support organization; requiring the direct-support organization to submit certain federal tax forms to the department; providing for an annual audit; amending s. 265.002, F.S.; providing for the Department of Veterans’ Affairs to replace the Florida Commission on Veterans’ Affairs in cooperating with the Department of Management Services to establish the Florida Medal of Honor Wall; amending s. 320.08058, F.S.; requiring that a certain percent of the annual license plate fee collected from the sale of the “Florida Salutes Veterans” license plate be distributed to the direct-support organization created for the purpose of providing benefit to the Department of Veterans’ Affairs for a period not to exceed 24 months after the date the direct-support organization is incorporated; providing that the remaining fees be deposited in the State Homes for Veterans Trust Fund; amending s. 337.111, F.S.; providing that three members of the direct-support organization of the Department of Veterans’ Affairs participate on a committee to approve contracts to install monuments and memorials honoring Florida’s military veterans at highway rest areas around the state; repealing s. 292.04, F.S., relating to the Florida Commission on Veteran’s Affairs; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1462** was placed on the calendar of Bills on Third Reading.

By Senator Aronberg—

CS for SB 1618—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding victims of child abuse or sex crimes; amending s. 119.071, F.S.; expanding the exemption for certain victim information by making it confidential and exempt from public-record requirements; expanding the exemption to include sexual offenses prohibited under chapters 796 and 847, F.S.; creating exceptions to the public record exemption; providing for future legislative review of the exemption; reorganizing the exemption; providing a statement of public necessity; repealing s. 2 of chapter 2003-157, Laws of Florida, which provides for repeal of the exemption; amending s. 92.56, F.S.; requiring that the confidential and exempt status of certain victim information made confidential and exempt s. 119.071(2)(h), F.S., be maintained in court records and court proceedings; providing for a petition for access at the trial court; providing specified criteria for maintaining the confidential and exempt status of such information upon the filing of a petition; permitting a defendant charged with specified offenses to apply for an order of disclosure to prepare a defense; amending s. 119.0714, F.S.; conforming the provisions to changes made in s. 119.071(2)(h), F.S.; amending s. 794.03, F.S.; conforming the provisions to changes made in s. 119.071(2)(h), F.S.; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1618** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 654** and **CS for CS for SB 2152** was deferred.

By Senator Fasano—

CS for SB 2522—A bill to be entitled An act relating to the Family Readiness Program; amending s. 250.5206, F.S.; expanding the purpose, eligibility, and annual report provisions of the Family Readiness Program within the Department of Military Affairs; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 2522** was placed on the calendar of Bills on Third Reading.

By Senator Saunders—

CS for SB 334—A bill to be entitled An act relating to the practice of pharmacy; amending s. 465.0075, F.S.; revising provisions governing licensure by endorsement; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 334** was placed on the calendar of Bills on Third Reading.

By Senator Constantine—

CS for SB 502—A bill to be entitled An act relating to missing persons; creating s. 937.0201, F.S.; providing definitions; amending s. 937.021, F.S.; requiring law enforcement agencies to adopt written policies and procedures to be used when investigating missing children and missing adult reports; requiring the law enforcement agency having jurisdiction to accept and file the report; providing a timeframe for transmitting the report to state and national databases; providing immunity from civil liability for certain persons providing information in good faith; requiring that a law enforcement agency obtain a DNA sample after a child or adult has been missing for more than 90 days; authorizing the Department of Law Enforcement to adopt rules; amending s. 937.022, F.S.; renaming the Missing Children Information Clearinghouse as the “Missing Endangered Persons Information Clearinghouse”; revising provisions to conform; requiring the state and national databases to be purged of information about a person who has been located; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 502** was placed on the calendar of Bills on Third Reading.

By Senator Baker—

CS for CS for SB 574—A bill to be entitled An act relating to Reserve Officers’ Training Corps programs; creating s. 1003.451, F.S.; prohibiting a school district from banning a Junior Reserve Officers’ Training Corps unit in certain schools; requiring a school district to allow a student, under certain circumstances, to enroll in the Junior Reserve Officers’ Training Corps at another school; specifying that a school district is not required to provide transportation for a student enrolling in the Junior Reserve Officers’ Training Corps at another school; requiring a school district to grant military recruiters certain access to students, school facilities and grounds, and certain student information; providing for enforcement; providing for the adoption of rules by the State Board of Education; creating s. 1004.009, F.S.; prohibiting a community college or state university from banning a Senior Reserve Officers’ Training Corps unit; requiring that a community college or state university grant military recruiters certain access to students and campus facilities and grounds and, to the extent required by federal law, access to certain student information; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 574** was placed on the calendar of Bills on Third Reading.

By Senator Siplin—

SB 642—A bill to be entitled An act relating to public K-12 education; creating s. 1003.06, F.S.; authorizing the parent of multiple birth siblings to request certain classroom placement; providing a definition; providing exceptions to implementation of the requested placement; authorizing appeal of placement; specifying conditions under which provisions do not apply; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 642** was placed on the calendar of Bills on Third Reading.

By Senator Fasano—

CS for SB 856—A bill to be entitled An act relating to disability history and awareness; creating s. 1003.4205, F.S.; authorizing district school boards to designate “Disability History and Awareness Weeks” during the first 2 weeks in October each year; providing for students in all K-12 public schools to be provided disability history and awareness instruction; providing the content and goals of such instruction; encouraging state postsecondary institutions to conduct and promote activities related to disability history and awareness; providing an effective date.

—was read the second time by title.

Senator Fasano moved the following amendment which was adopted:

Amendment 1 (269978)(with title amendment)—On line 21, delete “may” and insert: *shall*

And the title is amended as follows:

On line 3, delete “authorizing” and insert: requiring

Pursuant to Rule 4.19, **CS for SB 856** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

By Senator Gaetz—

CS for SB 1318—A bill to be entitled An act relating to onsite sewage treatment and disposal systems; amending ss. 381.0065 and 381.0068, F.S.; providing that a member of local government who is knowledgeable

about domestic wastewater treatment be added to the research review and advisory committee and the technical review and advisory panel established by the Department of Health for purposes of onsite sewage treatment and disposal system regulation; amending s. 318.0101, F.S.; exempting certain persons who are performing site evaluations relating to wastewater treatment and disposal systems from having to be certified as an environmental health professional by the Department of Health; providing that such persons must have completed a soils morphology course approved by the department and be working under the direct responsible charge of a licensed engineer; providing continuing education requirements for such persons; providing an effective date.

—was read the second time by title.

Senator Gaetz moved the following amendment which was adopted:

Amendment 1 (774088)(with title amendment)—Delete line(s) 181-183 and insert: *chapter 471*.

And the title is amended as follows:

Delete line(s) 17 and 18 and insert: licensed engineer; providing an effective

Pursuant to Rule 4.19, **CS for SB 1318** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

By Senator Peadar—

CS for CS for SB 1360—A bill to be entitled An act relating to pharmacy technicians; amending s. 465.0075, F.S.; revising licensure requirements; amending s. 465.014, F.S.; requiring the Board of Pharmacy to adopt rules; providing for the registration of pharmacy technicians; deleting obsolete provisions governing adoption of rules; requiring that a registered pharmacy technician be under the direct supervision of a licensed pharmacist; requiring the board to set fees for the registration of pharmacy technicians; providing qualification requirements; providing a limitation; exempting pharmacy technician students and licensed pharmacy interns from registration requirements; providing continuing education requirements for registration renewal; requiring the board to adopt rules regarding the display of a registration; providing grounds for denial, suspension, or revocation of registration or other disciplinary action; authorizing the board to impose certain penalties; requiring completion of a pharmacy technician training program in order to register as a pharmacy technician by a specified date; providing an exception to the requirement to complete a training program; amending s. 465.015, F.S.; prohibiting a person who is not registered as a pharmacy technician from performing certain functions or holding himself or herself out to others as a registered pharmacy technician; amending ss. 465.019, 465.0196, and 465.0197, F.S., relating to institutional pharmacies, special pharmacy permits, and Internet pharmacy permits; conforming provisions; providing effective dates.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 1360** was placed on the calendar of Bills on Third Reading.

By Senator Jones—

CS for CS for CS for SB 1374—A bill to be entitled An act relating to home health care; amending s. 400.462, F.S.; revising and adding definitions; amending s. 400.464, F.S.; authorizing a home infusion therapy provider to be licensed as a nurse registry; deleting provisions related to Medicare reimbursement; amending s. 400.471, F.S.; requiring an applicant for a home health agency license to submit to the Agency for Health Care Administration a business plan and evidence of contingency funding, and disclose other controlling ownership interests in health care entities; requiring certain standards in documentation demonstrating financial ability to operate; requiring an applicant for a new home health agency license to submit a surety bond of a specified amount to the Agency for Health Care Administration; authorizing the agency to adopt rules for the submission of other forms of security; providing procedures for the agency with respect to making a claim against a surety bond or security; limiting the timing of receipt and the number of applications for a new home health agency license which the

agency may accept each quarter; providing an exception under certain circumstances for a home health agency that is part of a retirement community; specifying a procedure for the agency to follow in selecting applications to process for a new home health agency license; providing that the change of ownership of a home health agency that is licensed at the time of the sale is not restricted or limited; providing for the future expiration of such provisions; prohibiting the agency from issuing an initial license to a home health agency licensure applicant located within 20 miles of a licensed home health agency that has common controlling interests; prohibiting the transfer of an application to another home health agency; requiring submission of an initial application to relocate a licensed home health to another geographic service area; imposing the burden of proof on an applicant to demonstrate that a factual determination made by the agency is not supported by a preponderance of the evidence; amending s. 400.474, F.S.; providing additional grounds under which the Agency for Health Care Administration may take disciplinary action against a home health agency; creating s. 400.476, F.S.; establishing staffing requirements for home health agencies; reducing the number of home health agencies that an administrator or director of nursing may serve; requiring that an alternate administrator be designated in writing; limiting the period that a home health agency that provides skilled nursing care may operate without a director of nursing; requiring notification upon the termination and replacement of a director of nursing; requiring the Agency for Health Care Administration to take administrative enforcement action against a home health agency for noncompliance with the notification and staffing requirements for a director of nursing; exempting a home health agency that provides only physical, occupational, or speech therapy from requirements related to a director of nursing; providing training requirements for certified nursing assistants and home health aides; amending s. 400.484, F.S.; requiring the agency to conduct the first unannounced survey of a newly licensed home health agency within a specified period after issuing the license; requiring that the agency impose administrative fines for certain deficiencies; increasing the administrative fines imposed for certain deficiencies; amending s. 400.488, F.S.; deleting provisions authorizing the administration of medication to home health patients by unlicensed staff; providing for the delegation of nursing tasks as provided in ch. 464, F.S., and related rules; amending s. 400.491, F.S.; extending the period that a home health agency must retain records of the nonskilled care it provides; amending s. 400.497, F.S.; requiring that the Agency for Health Care Administration adopt rules related to standards for the director of nursing of a home health agency, requirements for a director of nursing to submit certified staff activity logs pursuant to an agency request, quality assurance programs, and inspections related to an application for a change in ownership; amending s. 400.506, F.S.; providing training requirements for certified nursing assistants and home health aides referred for contract by a nurse registry; providing for the denial, suspension, or revocation of nurse registry license and fines for paying remuneration to certain entities in exchange for patient referrals or refusing fair remuneration in exchange for patient referrals; amending s. 400.518, F.S.; providing for a fine to be imposed against a home health agency that provides complementary staffing to an assisted care community in exchange for patient referrals; amending s. 409.906, F.S.; requiring durable medical equipment providers enrolled in the Medicaid program to be accredited and have a physical business location that meets specified conditions; providing for exceptions of certain business location criteria; requiring a durable medical equipment provider enrolled in the Medicaid program to obtain a surety bond of a specified amount and for certain staff to undergo background screening; providing for exemptions from accreditation and the surety bond for specified durable medical equipment providers; requiring the Agency for Health Care Administration to review the process for prior authorization of home health agency visits and determine whether modifications to the process are necessary; requiring the agency to report to the Legislature on the feasibility of accessing the Medicare system to determine recipient eligibility for home health services; providing appropriations and authorizing additional positions; providing an effective date.

—was read the second time by title.

Senator Dean moved the following amendment which was adopted:

Amendment 1 (874160)—Delete line(s) 474 and insert: *that is located within 20 miles of the applicant and is in the same county. The agency must*

Senator King moved the following amendment which was adopted:

Amendment 2 (786550)—On line(s) 588, delete “10” and insert: 15

Senator Dean moved the following amendment which was adopted:

Amendment 3 (283322)(with title amendment)—Delete line(s) 722-724 and insert:

(c) *A home health agency that does not provide skilled care, or provides only physical, occupational, or speech therapy is not required to have a director of nursing and is exempt from paragraph (b).*

And the title is amended as follows:

Delete line(s) 55 and insert: a home health agency that does not provide skilled care, or provides only physical,

Senator Peaden moved the following amendments which were adopted:

Amendment 4 (379440)—Delete line(s) 983 and insert: *available to the general public. A licensed orthotist or prosthetist that provides only orthotic or prosthetic devices as a Medicaid durable medical equipment provider is exempt from the requirements of subparagraph 2., subparagraph 4., and subparagraph 6. The physical business location*

Amendment 5 (700852)—Delete line(s) 1025 and insert: *continuous bond. A licensed orthotist or prosthetist that provides only orthotic or prosthetic devices as a Medicaid durable medical equipment provider is exempt from the provisions in this paragraph.*

Senator Jones moved the following amendment which was adopted:

Amendment 6 (948886)—Delete line 1066 and insert: *Agency for Health Care Administration from the Medical Care*

MOTION

On motion by Senator King, the rules were waived to allow the following amendment to be considered:

Senator King moved the following amendment which was adopted:

Amendment 7 (925370)—Delete line(s) 467-469 and insert:

(d) *This subsection does not restrict or limit the change of ownership of a home health agency that is licensed at the time of sale, and an application for a home health agency license submitted by the new owner is exempt from the provisions of paragraphs (a) and (b).*

Pursuant to Rule 4.19, **CS for CS for CS for SB 1374** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

By Senator Diaz de la Portilla—

CS for SB 1414—A bill to be entitled An act relating to supplemental educational services; amending s. 1008.331, F.S.; requiring the Department of Education to annually evaluate and grade supplemental educational services providers; specifying evaluation criteria; providing reporting requirements; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1414** was placed on the calendar of Bills on Third Reading.

On motion by Senator Margolis, by two-thirds vote **CS for HB 803** was withdrawn from the Committees on Health Regulation; and Health and Human Services Appropriations.

On motion by Senator Margolis—

CS for HB 803—A bill to be entitled An act relating to licensure of psychologists; amending s. 490.005, F.S.; requiring the Board of Psychology to close application files of applicants failing to pass certain exami-

nations, or failing to submit evidence of completion of postdoctoral supervised experience, within a specified timeframe; providing that an individual who completes the required postdoctoral training residency may continue to practice under supervision under certain conditions; providing an effective date.

—a companion measure, was substituted for **CS for SB 1478** and read the second time by title.

MOTION

On motion by Senator Margolis, the rules were waived to allow the following amendment to be considered:

Senator Margolis moved the following amendment which was adopted:

Amendment 1 (744406)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (3) is added to section 490.005, Florida Statutes, to read:

490.005 Licensure by examination.—

(3)(a) *The board shall close the application file of any applicant who fails to pass the psychology licensure examination and the Florida law and rules portion of the examination or who fails to submit evidence of completion of the postdoctoral, supervised experience within a timeframe no longer than 24 months.*

(b) *The board shall implement a procedure by which an applicant may apply for an extension beyond the required timeframe.*

(c) *An individual who completes the required postdoctoral training residency may continue to practice under supervision if she or he does so in a manner prescribed by the board by rule, has a current application on file, and no final order of denial has been issued.*

Section 2. This act shall take effect January 1, 2009.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to psychology licensure; amending s. 490.005, F.S.; requiring the Board of Psychology within the Department of Health to close an application of an applicant who fails to pass the licensure examination or submit evidence of completing postdoctoral training within a specified period; requiring that the board provide for exceptions; authorizing persons who have completed postdoctoral residency training to continue the practice of psychology under certain circumstances; providing an effective date.

Pursuant to Rule 4.19, **CS for HB 803** as amended was placed on the calendar of Bills on Third Reading.

CS for SB 2350—A bill to be entitled An act relating to textbook affordability; creating s. 1004.09, F.S.; prohibiting certain actions of community college or state university employees that relate to student purchase of required textbooks; authorizing receipt of certain instructional materials, compensation, and training; requiring student notification of required textbooks; requiring adoption of specified policies and practices to minimize the cost of textbooks; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 2350** to **HB 603**.

Pending further consideration of **CS for SB 2350** as amended, on motion by Senator Atwater, by two-thirds vote **HB 603** was withdrawn from the Committees on Higher Education; and Higher Education Appropriations.

On motion by Senator Atwater—

HB 603—A bill to be entitled An act relating to textbook affordability; creating s. 1004.09, F.S.; prohibiting certain actions of community college or state university employees that relate to student purchase of

required textbooks; authorizing receipt of certain instructional materials, compensation, and training; requiring student notification of required textbooks; requiring adoption of specified policies and practices to minimize the cost of textbooks; providing an effective date.

—a companion measure, was substituted for **CS for SB 2350** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 603** was placed on the calendar of Bills on Third Reading.

CS for SB 2390—A bill to be entitled An act relating to the Florida Self-Directed Care program; amending s. 394.9084, F.S.; providing for the expansion of the program to all districts of the Department of Children and Family Services; defining the term “fiscal intermediary”; providing for the duties of the intermediary; deleting an obsolete provision; requiring an evaluation of the program by the Office of Program Policy Analysis and Government Accountability by a certain date; revising the evaluation criteria; abrogating the expiration date of the program; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 2390** to **HB 7041**.

Pending further consideration of **CS for SB 2390** as amended, on motion by Senator Webster, by two-thirds vote **HB 7041** was withdrawn from the Committees on Children, Families, and Elder Affairs; and Health and Human Services Appropriations.

On motion by Senator Webster—

HB 7041—A bill to be entitled An act relating to the Florida Self-Directed Care program; amending s. 394.9084, F.S.; authorizing the Department of Children and Family Services to expand the program statewide; requiring the department to implement a payment mechanism for mental health treatment and support services; defining the term “fiscal intermediary”; providing for the duties of the fiscal intermediary; permitting the fiscal intermediary to receive funds on behalf of participants; requiring an evaluation by the Office of Program Policy Analysis and Government Accountability by a certain date; providing evaluation criteria; deleting provisions relating to the evaluation of the original pilot program; deleting the expiration date of the program; providing an effective date.

—a companion measure, was substituted for **CS for SB 2390** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 7041** was placed on the calendar of Bills on Third Reading.

THE PRESIDENT PRESIDING

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

CS for CS for CS for SB 1992—A bill to be entitled An act relating to the Department of Highway Safety and Motor Vehicles; amending s. 316.0741, F.S.; redefining the term “hybrid vehicle”; authorizing the driving of a hybrid, low-emission, or energy-efficient vehicle in a high-occupancy-vehicle lane regardless of occupancy; authorizing the department to limit or discontinue such driving under certain circumstances; exempting such vehicles from the payment of certain tolls; amending s. 316.1575, F.S.; requiring a person walking or driving a vehicle to stop at a railroad crossing upon the signal of a law enforcement officer; amending s. 316.1895, F.S.; requiring the placement of signs in certain school zones stating that speeding fines are doubled within the zone; amending s. 316.191, F.S.; revising provisions prohibiting certain speed competitions and exhibitions; revising the definition of the terms “conviction,” “drag race,” and “race”; defining the terms “exhibition of acceleration,” “exhibition of speed,” and “spectator”; prohibiting driving in any race, drag race, exhibition of speed, or exhibition of acceleration; prohibiting certain acts in association with a race, drag race, exhibition of speed, or exhibition of acceleration; prohibiting being a spectator at any such race, drag race, or exhibition; providing criminal and noncriminal penalties; providing for revocation of the offender’s driver’s license

upon conviction; providing for disposition of citation for being a spectator; providing penalties for a second or subsequent offense; providing that a violation that causes or contributes to causing serious bodily injury to another is a felony of the third degree; providing that a violation that causes or contributes to causing the death of any human being or unborn quick child is the crime of manslaughter resulting from the operation of a motor vehicle; providing penalties; providing for a determination of the definition of the term “unborn quick child”; requiring that the driving record of a person charged be provided to the court; providing criteria for arrest; providing procedures for impoundment or immobilization of a motor vehicle under a court order; providing for release from impoundment under specified exceptions; requiring that costs and fees of impoundment to be paid by the owner or lessee of the motor vehicle; providing procedures for an arresting officer to immediately impound a motor vehicle used in a violation; providing for the period of impoundment; removing a requirement for impoundment that the person being arrested is the registered owner or coowner of the motor vehicle; providing for satisfaction of the element of negligent entrustment; providing for severability; providing noncriminal penalties for the display of obscene words, images, or devices on a motor vehicle; creating s. 316.1926, F.S.; creating additional offenses regarding the operation of a motor vehicle; amending s. 316.193, F.S.; lowering the blood-alcohol or breath-alcohol level for which enhanced penalties are imposed against a person who was accompanied in the vehicle by a minor at the time of the offense; clarifying that an ignition interlock device is installed for a continuous period; amending s. 316.1937, F.S.; revising the conditions under which the court may require the use of an ignition interlock device; amending s. 316.2085, F.S.; requiring an operator of a motorcycle or moped to maintain both wheels on the ground at all times; requiring that the license tag of a motorcycle or moped be affixed horizontally; amending s. 316.2397, F.S.; authorizing specified agencies to display blue lights when responding to emergencies; amending s. 316.251, F.S.; conforming a cross-reference; amending s. 316.29545, F.S.; exempting certain investigative vehicles from the prohibition against installing window sunscreening on a vehicle; amending s. 316.302, F.S.; revising the application of certain federal rules; providing for the department to perform certain duties assigned under federal rules; updating a reference to federal provisions governing out-of-service requirements for commercial vehicles; amending s. 316.3045, F.S.; providing enhanced penalties upon multiple convictions for violating prohibitions against the use of excessively loud soundmaking equipment in a motor vehicle; amending s. 316.613, F.S.; redefining the term “motor vehicle” to exclude certain trucks from the requirement to use a child restraint; amending s. 316.645, F.S.; authorizing a police officer to make an arrest upon probable cause of a violation of laws governing motor vehicle licenses; amending s. 316.650, F.S.; revising requirements for traffic citation forms; providing for the electronic transmission of citation data; amending s. 316.656, F.S.; lowering the percentage of blood or breath alcohol content relating to the prohibition against pleading guilty to a lesser offense of driving under the influence than the offense charged; amending s. 318.14, F.S.; prohibiting a person from electing more than five times within 10 years to attend a basic driver improvement course approved by the Department of Highway Safety and Motor Vehicles in lieu of making a court appearance; providing additional penalties for certain offenses involving the operation of a motorcycle or excessive speed; providing for revocation of an offender’s privilege to operate a motor vehicle; creating s. 318.195, F.S.; providing enhanced penalties for moving violations that cause injury or death to a person on a motorcycle; amending s. 319.001, F.S.; defining the term “certificate of title” to include information stored electronically in the department’s database; amending s. 320.0706, F.S.; providing that a violation of requirements for displaying a truck license plate is a moving violation; amending s. 320.0715, F.S.; requiring the department to withhold issuing or to suspend a registration and license plate for a commercial motor vehicle if the federal identifying number is not provided or if the motor carrier or vehicle owner has been prohibited from operating; amending s. 320.01, F.S.; redefining the term “motorcycle” to exclude a vehicle where the operator is enclosed by a cabin; amending s. 320.02, F.S., as amended; deleting the requirement for a motorcycle endorsement at the time of original registration of a motorcycle, motor-driven cycle, or moped; repealing s. 320.02(13), F.S., relating to a motor vehicle registration voluntary contribution for the Election Campaign Financing Trust Fund; repealing s. 320.08053(3), F.S., relating to provisions requiring that the department adopt rules providing certain specifications for the design of specialty license plates; amending s. 320.08056, F.S.; deleting a provision that exempts collegiate license plates from a requirement that a specialty license plate be discontinued if sales drop below a specified amount; amending s. 320.0894, F.S.; providing for the issuance of Gold Star

license plates to certain family members; amending s. 320.27, F.S.; revising the insurance requirements for persons applying for a motor vehicle dealer license; amending s. 320.69, F.S.; authorizing the Department of Highway Safety and Motor Vehicles to adopt rules, including definitions as necessary; creating s. 321.26, F.S.; designating the Joseph P. Bertrand Building in Fort Myers; amending s. 322.01, F.S.; defining the term "convenience service"; redefining the terms "conviction," "hazardous materials," and "out-of-service order"; amending s. 322.0255, F.S.; revising eligibility for reimbursement for organizations that conduct motorcycle safety courses; amending s. 322.03, F.S.; deleting provisions exempting certain persons from the requirement to surrender a license issued by another jurisdiction; providing certain exceptions for part-time residents; amending ss. 322.051 and 322.08, F.S.; requiring that an applicant for an identification card or driver's license provide additional information; authorizing use of additional documents to prove identity; revising the fee requirements; revising provisions providing for the expiration of an identification card issued by the department; deleting provisions authorizing a voluntary contribution; amending s. 322.14, F.S.; requiring that an applicant for a driver's license provide a residence address; amending s. 322.15, F.S.; authorizing a law enforcement officer or authorized representative of the department to collect a person's fingerprints electronically; amending s. 322.17, F.S.; revising the requirements for obtaining a replacement license or permit; deleting provisions authorizing the department to issue address stickers; amending s. 322.18, F.S.; revising provisions providing for the expiration of driver's licenses; providing for the renewal of certain licenses every 8 years and for the renewal of licenses for persons older than a specified age every 6 years; providing for the renewal of licenses using a convenience service; requiring the department to issue new licenses rather than extension stickers; conforming cross-references; repealing s. 322.181(4), F.S., relating to the Florida At-Risk Driver Council; amending s. 322.19, F.S.; deleting provisions authorizing the use of a change-of-address sticker on a driver's license; conforming cross-references; amending s. 322.21, F.S.; increasing the fees charged for obtaining a new or renewal driver's license or identification card; specifying that a portion of the fees be deposited for use by the department; amending s. 322.2715, F.S.; clarifying that an ignition interlock device is installed for a continuous period; amending s. 322.291, F.S.; imposing additional sanctions against a person who violates requirements with respect to an ignition interlock device; amending s. 322.36, F.S.; requiring the suspension for a specified period of the driver's license of a person who loans a vehicle to a person whose driver's license is suspended if that vehicle is involved in an accident resulting in bodily injury or death; repealing s. 322.60, F.S., relating to a prohibition against possessing more than one driver's license under certain circumstances; amending s. 322.61, F.S.; clarifying provisions disqualifying a person from operating a commercial motor vehicle following certain traffic violations; providing for permanent disqualification following conviction of a felony involving the manufacture, distribution, or dispensing of a controlled substance; amending s. 322.64, F.S.; providing that refusal to submit to a breath, urine, or blood test disqualifies a person from operating a commercial motor vehicle; providing a period of disqualification if a person has an unlawful blood-alcohol or breath-alcohol level; providing for issuance of a notice of disqualification; revising the requirements for a formal review hearing following a person's disqualification from operating a commercial motor vehicle; amending s. 324.021, F.S.; clarifying that a judgment becomes final by expiration of the time for appeal; amending 501.976, F.S.; conforming a cross-reference; creating the Automobile Lenders Industry Task Force within the Department of Highway Safety and Motor Vehicles; providing duties of the task force; providing for membership and the election of officers; providing for meetings; providing for reimbursement for travel and per diem expenses for public-sector members; requiring the department to provide administrative support and assistance to the task force; prohibiting the Department of Highway Safety and Motor Vehicles from issuing any new specialty license plates for a specified period; providing an effective date.

—which was previously considered and amended April 16. Pending **Amendment 4 (502094)** by Senators King and Dockery was adopted.

MOTION TO RECONSIDER AMENDMENT

Senator King moved that the Senate reconsider the vote by which **Amendment 1 (746428)** by Senator Baker was adopted. The motion failed.

MOTION

On motion by Senator Baker, the rules were waived to allow the following amendments to be considered:

Senator Baker moved the following amendments which were adopted:

Amendment 5 (521576)—Delete line(s) 2470 and insert: *its initial meeting, which shall be held by October 1, 2008.*

Amendment 6 (190706)—Delete line(s) 2184 and 2185 and insert: *or her driving privilege shall be disqualified for a period of 1 year for a first offense or permanently if his or*

Pursuant to Rule 4.19, **CS for CS for CS for SB 1992** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

By Senator Storms—

CS for SB 2692—A bill to be entitled An act relating to the teaching of chemical and biological evolution; providing a short title; providing legislative intent; defining the term "scientific information"; providing public school teachers with a right to present scientific information relevant to the full range of views on biological and chemical evolution; prohibiting a teacher from being discriminated against for presenting such information; prohibiting students from being penalized for subscribing to a particular position on evolution; clarifying that the act does not require any change in state curriculum standards or promote any religious position; providing an effective date.

—was read the second time by title.

MOTION

On motion by Senator Deutch, the rules were waived to allow the following amendment to be considered:

Senators Deutch and Rich offered the following amendment which was moved by Senator Deutch and failed:

Amendment 1 (376830)(with title amendment)—Delete lines 45-66 and insert:

(5) *A public school teacher in the state's K-12 school system may not be disciplined, denied tenure, terminated, or otherwise discriminated against for objectively presenting scientific information relevant to the full range of scientific views regarding biological or chemical evolution and comprehensive sexual education that is age-appropriate and factual in connection with teaching any prescribed curriculum regarding chemical or biological evolution and any prescribed abstinence-only curriculum regarding human sexuality, respectively.*

(6) *Public school students in the state's K-12 school system shall be evaluated based upon their understanding of course materials through normal testing procedures. However, students shall not be penalized for subscribing to a particular position or view regarding biological or chemical evolution.*

(7) *The rights and privileges contained in this section apply when the subject of biological or chemical evolution or comprehensive sexual education is part of the curriculum. This section does not require or encourage any change in the state curriculum standards for the K-12 public school system.*

(8) *This section does not promote any religious doctrine, promote discrimination for or against a particular set of religious beliefs, or promote discrimination for or against religion or nonreligion.*

Section 2. This act shall take effect October 1, 2008.

And the title is amended as follows:

Delete lines 7-13 and insert: on biological and chemical evolution; prohibiting a teacher from being discriminated against for presenting such information; prohibiting students from being penalized for subscribing to a particular position on evolution; clarifying that the act does not require any change in state curriculum standards or promote any religious position; providing an effective date.

Pursuant to Rule 4.19, CS for SB 2692 was placed on the calendar of Bills on Third Reading.

By Senator Joyner—

CS for CS for CS for SB 756—A bill to be entitled An act relating to compensation for wrongful incarceration; creating the “Victims of Wrongful Incarceration Compensation Act”; providing definitions; providing a limited method by which a person may seek the status of a wrongfully incarcerated person who is eligible and entitled to compensation under the act; requiring a sworn petition by the claimant; requiring the petitioner to show verifiable and substantial evidence of actual innocence; requiring the original prosecuting authority to respond to the petition; providing for a determination on the pleadings whether claimant is ineligible for compensation based on past criminal history; providing for a contested factual determination before an administrative law judge if necessary; requiring the original sentencing court to determine whether a person is a wrongfully incarcerated person based upon clear and convincing evidence; providing exceptions and limitations regarding the eligibility of a wrongfully incarcerated person for compensation; requiring the original sentencing court to include a finding of eligibility for compensation in its order; granting rulemaking authority to the Department of Legal Affairs; requiring that a wrongfully incarcerated person seeking compensation apply to the Department of Legal Affairs; providing application requirements and a deadline; requiring that the Department of Legal Affairs review each application and notify the claimant of any omissions or errors, or the need for additional information, within a specified period; requiring that the Department of Legal Affairs process and review each completed application within a specified period; requiring that the Department of Legal Affairs notify the claimant if he or she qualifies for compensation within a specified period; providing for monetary compensation for certain wrongfully incarcerated persons; providing for recovery of reasonable attorney’s fees and other costs with limitations for certain wrongfully incarcerated persons; providing for tuition waivers for wrongfully incarcerated persons who meet certain requirements; providing for administrative expunction of certain records; requiring that any monetary compensation be paid within a specified period by specified means; prescribing conditions under which compensation payments cease; requiring a wrongfully incarcerated person to report any subsequent felony convictions; specifying that the estate, personal representative of, or heirs of the wrongfully incarcerated person are not entitled to future payments; prescribing conditions under which an application may not be filed and compensation may not be awarded; requiring a claimant to sign a release before receiving such compensation; providing for a continuing appropriation from the General Revenue Fund; providing that an award of compensation does not constitute a waiver of sovereign immunity by the state; providing for severability; providing an effective date.

—was read the second time by title.

MOTION

On motion by Senator Joyner, the rules were waived to allow the following amendments to be considered:

Senators Joyner and Webster offered the following amendments which were moved by Senator Joyner and adopted:

Amendment 1 (325798)—On line 224, delete “crime” and insert: *felony*

Amendment 2 (715362)(with title amendment)—Delete line(s) 256-270 and insert:

(e) *Positive proof of identification, including two full sets of fingerprints administered by a law enforcement agency and a current form of photo identification, demonstrating that the person seeking compensation is the same individual who was wrongfully incarcerated;*

(f) *All supporting documentation of any fine, penalty, or court costs imposed and paid by the wrongfully incarcerated person as described in paragraph (1)(c) of section 6;*

(g) *All supporting documentation of any reasonable attorney’s fees and expenses as described in paragraph (1)(d) of section 6; and*

(h) *Any other documentation, evidence, or information required by rules adopted by the department.*

(5) *The department shall forward one full set of fingerprints of the applicant to the Department of Law Enforcement for statewide criminal records checks. The Department of Law Enforcement shall forward the second set of fingerprints to the Federal Bureau of Investigation for national criminal records checks. The results of the state and national records checks shall be submitted to the department.*

(Redesignate subsequent subsections.)

And the title is amended as follows:

On line 26, after the semicolon (;) insert: *providing for state and national criminal records checks;*

Amendment 3 (541382)(with title amendment)—Delete line(s) 352-441 and insert: *Officer to draw a warrant from the General Revenue Fund or another source designated by the Legislature in law for the purchase of an annuity for the claimant based on the total amount determined by the department under this act.*

(4) *The Chief Financial Officer shall purchase an annuity on behalf of the claimant for a term of not less than 10 years. The terms of the annuity shall:*

(a) *Provide that the annuity may not be sold, discounted, or used as security for a loan or mortgage by the applicant.*

(b) *Contain beneficiary provisions for the continued disbursement of the annuity in the event of the death of the applicant.*

(5) *Before the Chief Financial Officer draws the warrant for the purchase of the annuity, the claimant must sign a release and waiver on behalf of the claimant and his or her heirs, successors, and assigns, forever releasing the state or any agency, instrumentality, or any political subdivision thereof, or any other entity subject to the provisions of s. 768.28, Florida Statutes, from all present or future claims that the claimant or his or her heirs, successors, or assigns may have against such entities arising out of the facts in connection with the wrongful conviction for which compensation is being sought under the act. The release and waiver must be provided to the department prior to the issuance of the warrant by the Chief Financial Officer.*

(6)(a) *A wrongfully incarcerated person may not submit an application for compensation under this act if the person has a lawsuit pending against the state or any agency, instrumentality, or any political subdivision thereof, or any other entity subject to the provisions of s. 768.28, Florida Statutes, in state or federal court requesting compensation arising out of the facts in connection with the claimant’s conviction and incarceration.*

(b) *A wrongfully incarcerated person may not submit an application for compensation under this act if the person is the subject of a claim bill pending for claims arising out of the facts in connection with the claimant’s conviction and incarceration.*

(c) *Once an application is filed under this act, a wrongfully incarcerated person may not pursue recovery under a claim bill until the final disposition of the application.*

(d) *Any amount awarded under this act is intended to provide the sole compensation for any and all present and future claims arising out of the facts in connection with the claimant’s conviction and incarceration. Upon notification by the department that an application meets the requirements of this act, a wrongfully incarcerated person may not recover under a claim bill.*

(e) *Any compensation awarded under a claim bill shall be the sole redress for claims arising out of the facts in connection with the claimant’s conviction and incarceration and, upon any award of compensation to a wrongfully incarcerated person under a claim bill, the person may not receive compensation under this act.*

(7) *Any payment made under this act does not constitute a waiver of any defense of sovereign immunity or an increase in the limits of liability on behalf of the state or any person subject to the provisions of s. 768.28, Florida Statutes, or other law.*

And the title is amended as follows:

Delete line(s) 42-47 and insert: period; directing the Chief Financial Officer to purchase an annuity on behalf of the claimant; prescribing the terms of the annuity; prescribing

Pursuant to Rule 4.19, **CS for CS for CS for SB 756** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Saunders, by two-thirds vote **SB 226** was withdrawn from the Committee on Higher Education.

On motion by Senator Constantine, by two-thirds vote **SB 500** was withdrawn from the Committee on Governmental Operations.

REPORTS OF COMMITTEES

The Law and Justice Policy and Calendar Committee submits the following bills to be placed on the Special Order Calendar for Thursday, April 17, 2008: CS for SB 92, CS for SB 278, CS for CS for SB 76, CS for SB 328, CS for SB 1064, CS for CS for SB 756, CS for SB's 340 and 1612, CS for SB 1462, CS for SB 1618, CS for SB 654, CS for CS for SB 2152, CS for SB 2522

Respectfully submitted,
Paula Dockery, Chair

The Social Responsibility Policy and Calendar Committee submits the following bills to be placed on the Special Order Calendar for Thursday, April 17, 2008: CS for SB 334, CS for SB 502, CS for CS for SB 574, SB 642, CS for SB 856, CS for SB 1318, CS for CS for SB 1360, CS for CS for CS for SB 1374, CS for SB 1414, CS for SB 1478, CS for SB 2350, CS for SB 2390, CS for SB 2692

Respectfully submitted,
Burt L. Saunders, Chair

The Committee on Criminal Justice recommends the following pass: SB 744 with 2 amendments

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

The Committee on Judiciary recommends the following pass: CS for SB 390; SB 1188

The bills were referred to the Committee on Criminal and Civil Justice Appropriations under the original reference.

The Committee on Military Affairs and Domestic Security recommends the following pass: SB 1974

The bill was referred to the Committee on Finance and Tax under the original reference.

The Committee on Criminal Justice recommends the following pass: CS for SB 694; SB 1182 with 1 amendment; SB 1280 with 1 amendment; SB 2440 with 1 amendment; SB 2444; CS for SB 2552; SB 2604

The bills were referred to the Committee on Judiciary under the original reference.

The Committee on Criminal Justice recommends the following pass: SB 446; CS for SB 456

The bills were referred to the Committee on Transportation and Economic Development Appropriations under the original reference.

The Committee on Judiciary recommends the following pass: CS for SB 654; CS for SB 1704; CS for CS for SB 2152

The bills were placed on the calendar.

The Committee on Judiciary recommends the following not pass: SB 2726

The bill was laid on the table.

The Committee on Regulated Industries recommends a committee substitute for the following: SB 2504

The bill with committee substitute attached was referred to the Committee on Banking and Insurance under the original reference.

The Committee on Health Regulation recommends a committee substitute for the following: SB 1668

The bill with committee substitute attached was referred to the Committee on Children, Families, and Elder Affairs under the original reference.

The Committee on Criminal Justice recommends a committee substitute for the following: CS for SB 1730

The bill with committee substitute attached was referred to the Committee on Criminal and Civil Justice Appropriations under the original reference.

The Committee on Criminal Justice recommends a committee substitute for the following: CS for SB 672

The bill with committee substitute attached was referred to the Committee on General Government Appropriations under the original reference.

The Committee on Health Policy recommends a committee substitute for the following: SB 1338

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

The Committee on Health Policy recommends a committee substitute for the following: SB 2790

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

The Committee on General Government Appropriations recommends a committee substitute for the following: CS for CS for SB 996

The bill with committee substitute attached was referred to the Committee on Higher Education Appropriations under the original reference.

The Committee on Military Affairs and Domestic Security recommends a committee substitute for the following: SB 2728

The bill with committee substitute attached was referred to the Committee on Transportation and Economic Development Appropriations under the original reference.

The Committee on Education Pre-K - 12 Appropriations recommends committee substitutes for the following: CS for SB 1440; CS for SB 1914

The Committee on General Government Appropriations recommends committee substitutes for the following: CS for SB 1296; CS for CS for SB 2016; CS for SB 2174; CS for SB 2246; CS for SB 2848

The Committee on Regulated Industries recommends a committee substitute for the following: SB 2582

The bills with committee substitutes attached contained in the foregoing reports were placed on the calendar.

REPORTS OF COMMITTEES RELATING TO EXECUTIVE BUSINESS

The Committee on Criminal Justice recommends that the Senate confirm the following appointments made by the Governor:

<i>Office and Appointment</i>	<i>For Term Ending</i>
Secretary of Corrections Appointee: McNeil, Walter A.	Pleasure of Governor
Secretary of Juvenile Justice Appointee: Peterman, Frank W., Jr.	Pleasure of Governor

[The appointments were referred to the Committee on Ethics and Elections under the original reference.]

COMMITTEE SUBSTITUTES

FIRST READING

By the Committees on Criminal Justice; Commerce; and Senator Crist—

CS for CS for SB 672—A bill to be entitled An act relating to wrecker services; creating ch. 508, F.S.; providing for regulatory oversight of wrecker services by the Department of Agriculture and Consumer Services; creating s. 508.101, F.S.; providing definitions; creating s. 508.102, F.S.; creating the Wrecker Operator Advisory Council within the Department of Agriculture and Consumer Services; providing for membership, terms, and organization; providing procedures for meetings and recordkeeping; providing for reimbursement for travel and per diem expenses; directing the department to provide support services for the council; directing the council to review rules adopted by the department and to advise the department on matters relating to standards and practices in the wrecker industry; creating s. 508.103, F.S.; authorizing the department to adopt rules; creating s. 508.105, F.S.; requiring wrecker companies to register annually with the department; providing for the registration application; providing for the processing of fingerprints by the Department of Agriculture and Consumer Services; requiring fees for processing; providing for issuance of a registration certificate; requiring display of the certificate; providing requirements for advertisements; requiring notification of changes in registration information; requiring payment of certain fees; requiring certain companies to obtain a local business tax receipt prior to registration renewal; requiring insurance coverage; requiring the department to notify the Department of Highway Safety and Motor Vehicles when a registration has been suspended or revoked; creating s. 508.106, F.S.; authorizing the Department of Agriculture and Consumer Services to deny, revoke, or refuse to renew the registration of a wrecker company under certain circumstances; creating s. 508.1061, F.S.; requiring a wrecker company to accept certain forms of payment; creating s. 508.107, F.S.; requiring

the department to establish a certification program for wrecker operators; providing for the council to approve certification courses and the organizations conducting the courses; providing for the council to prescribe course curricula; providing requirements for courses; requiring that each course include an examination approved by the council; providing criteria for the examination; requiring that the organization conducting the course issue the certificate to the wrecker operator; creating s. 508.108, F.S.; requiring each certification course to offer optional specialized wrecker services instruction, training, and examinations; describing specialized wrecker services; directing the department to adopt rules prescribing specific standards to further define each specialized wrecker service; requiring council approval of the instruction, training, and examination; requiring the organization conducting the course to issue the certificate to the wrecker operator; creating s. 508.109, F.S.; providing for form and content of certification cards; authorizing the department to adopt rules for issuance of certification cards to an operator who completes a certification course and passes a certification examination in another state or completed a certification course and passed a certification examination in this state during a certain time period; authorizing the department to adopt rules for issuance of endorsements for specialized services to a wrecker operator who completed instruction and training for a specialized wrecker service and passed an endorsement examination for that specialized wrecker service during a certain time period; providing for approval by the council of out-of-state certification instructions, training, and examinations; providing for expiration of certification; requiring that certification cards be issued by the organizations conducting the courses; creating s. 508.111, F.S.; providing requirements for recertification; providing for a continuing education program to be established by the department; providing for curricula and examinations to be prescribed by the council; requiring course approval by the council; providing for a certificate to be issued by the training organization to the wrecker operator; creating s. 508.112, F.S.; prohibiting certain acts; creating ss. 508.113 and 508.114, F.S.; providing administrative and civil penalties; creating s. 508.116, F.S.; providing for registration and renewal fees; requiring the department to maintain data relating to the fees; creating s. 508.117, F.S.; providing for deposit and use of fees, penalties, and other funds; creating s. 508.118, F.S.; providing that the chapter does not apply to recovery agents; creating s. 508.119, F.S.; authorizing counties and municipalities to enact ordinances governing wrecker operators; providing for the department to enter into a cooperative agreement with a county or municipality for the referral, investigation, and prosecution of consumer complaints or enforcement of specified wrecker services provisions; creating s. 508.120, F.S.; requiring that a wrecker company maintain records of its services and operators; requiring organizations that conduct operator certification or continuing education courses to maintain records on each person who successfully completes one of the courses; authorizing inspection of records by the department; creating s. 508.104, F.S.; prohibiting persons from owning, operating, or being issued a local business tax receipt on behalf of a wrecker company without first registering with the department; requiring registration prior to issuance or renewal of local business tax receipt; excluding certain motor vehicle repair shops; creating s. 508.110, F.S.; prohibiting the performance of wrecker services after a certain date unless the operator is in the employ of a company that is registered; requiring wrecker operators to be certified; providing exceptions for certain shops and organizations; authorizing the department to inspect company records; creating s. 508.115, F.S.; providing criminal penalties; amending s. 120.80, F.S.; providing for appointment of a hearing officer by the director of the Division of the Florida Highway Patrol when a hearing is held to deny, suspend, or remove a wrecker company from participating in the wrecker-allocation system; creating s. 205.1977, F.S.; prohibiting a county or municipality from issuing or renewing a business tax receipt for a wrecker company that is not registered with the Department of Agriculture and Consumer Services; amending s. 316.530, F.S., relating to towing requirements; conforming terminology; amending s. 320.01, F.S.; redefining the term “wrecker” for purposes of the Florida Statutes; amending s. 320.03, F.S., relating to withholding the motor vehicle registration plate or revalidation sticker; providing for application of provisions to wrecker companies rather than wrecker operators; amending s. 320.0706, F.S.; requiring that the license plate be displayed only on the front of a wrecker; amending s.

320.0821, F.S.; revising requirements for the issuance of wrecker license plates; requiring that the license plate be displayed on the front of the wrecker; amending s. 320.13, F.S., relating to dealer license plates; conforming terminology; reenacting ss. 316.550(4)(a) and (9) and 320.08(5)(d) and (e), F.S., relating to special wrecker permits and license taxes, to incorporate the amendment to s. 320.01, F.S., in references thereto; amending s. 321.051, F.S.; revising provisions for the Florida Highway Patrol wrecker operator system; changing the designation to “wrecker-allocation system”; providing definitions; revising provisions that authorize the Division of the Florida Highway Patrol within the Department of Highway Safety and Motor Vehicles to establish the system; revising requirements for the system; limiting the system to using certain registered wrecker companies; revising eligibility requirements for wreckers; revising provisions for procedures for appeal of final orders by the department denying, suspending, or revoking eligibility to participate; prohibiting an unauthorized wrecker company and wrecker operators dispatched by an unauthorized company from engaging in certain activities; requiring those operators to disclose certain information to the owner or operator of a wrecked or disabled vehicle before towing; providing penalties; providing for a law enforcement officer to dispatch an authorized wrecker company other than a company requested by the vehicle owner or operator or to dispatch a company out of rotation; amending s. 323.001, F.S.; revising procedures for placement of a hold on a vehicle at a storage facility; providing for placement of a hold by a law enforcement agency; providing definitions; revising provisions for payment of towing and storage charges; revising rate-limitation provisions; amending s. 323.002, F.S.; revising provisions for county and municipal wrecker operator systems; changing the designation to “wrecker-allocation systems”; providing definitions; limiting the systems to using certain registered wrecker companies; prohibiting an unauthorized wrecker company and wrecker operators dispatched by an unauthorized company from engaging in certain activities; requiring those operators to disclose certain information to the owner or operator of a wrecked or disabled vehicle before towing; providing penalties; providing for a law enforcement officer to dispatch an authorized wrecker company other than a company requested by the vehicle owner or operator or to dispatch a company out of rotation; amending s. 713.78, F.S.; providing for claim of lien by a wrecker company for recovering, removing, or storing a vehicle or vessel; conforming provisions to changes made by the act; providing definitions; requiring notification to the vehicle or vessel owners, insurers, and lienholders; providing for a law enforcement agency to obtain information from the Department of Highway Safety and Motor Vehicles and provide the information to the wrecker company; providing notice procedures; providing for content of the notice; providing for notice to the agency of jurisdiction if the vehicle or vessel owner or lienholder cannot be identified; revising procedures for complaint by the vehicle or vessel owner; providing for release of the vehicle or vessel; requiring damages, attorney’s fees, and costs to be awarded by the court; requiring immediate payment of recovery, towing, and storage fees to be ordered by the court; providing for notice and sale of the vehicle or vessel by the wrecker company; providing for distribution of proceeds; providing for discharge of liens and issuance of certificate of title; providing immunity from liability for a wrecker company, its operators, and other employees or agents under certain conditions; providing for a presumption of the use of reasonable care; requiring wrecker company information to be printed on the wrecker; specifying that failure to make good-faith best efforts to comply with notice requirements precludes imposition of storage charges; requiring a wrecker company to provide access to the vehicle or vessel; requiring release of the vehicle, vessel, or personal property to the owner or agent of the owner; requiring the wrecker company to obtain a certificate of destruction in lieu of a certificate of title when the vehicle or vessel is to be dismantled, destroyed, or changed in such a manner that it is not the motor vehicle or vessel described in the certificate of title; providing for issuance of the certificate of destruction by the county tax collector; providing requirements for application for the certificate of destruction; providing for reassignment of the certificate of destruction; authorizing the Department of Highway Safety and Motor Vehicles to adopt rules; providing penalties for specified violations; authorizing the Department of Highway Safety and Motor Vehicles to inspect wrecker company records; directing the Department of Highway Safety and Motor Vehicles, upon

notice of lien from a wrecker company, to place the name of the owner of the vehicle or vessel on the list of those persons who may not be issued a license plate or revalidation sticker for a motor vehicle; providing for forms for the notice of lien; providing for dispute by the owner; providing for the owner’s name to be removed from the list of those persons who may not be issued a license plate or revalidation sticker for a motor vehicle; providing for lien expiration; requiring a certificate of discharge to be issued by the wrecker company; providing for certain fees and charges; providing for application and exceptions; clarifying that the amendments made by the act do not affect the validity of prior liens; amending s. 715.07, F.S.; revising provisions for the towing and storage of vehicles and vessels parked on real property without permission; providing definitions; providing requirements for storage facility operation; providing requirements for a wrecker company, its operators, and other employees or agents; prohibiting a wrecker company, a wrecker operator, or another employee or agent of a wrecker company from paying or accepting payment for the privilege of removing vehicles or vessels from a particular location; revising requirements for tow-away signs to be posted by property owners; requiring a wrecker company to maintain rate schedules with the local law enforcement agency and to post rates and contracts at its storage facility; revising requirements for certain signage on a wrecker; providing immunity from liability for a wrecker company, its operators, and other employees or agents if entry into the vehicle or vessel is performed with reasonable care; revising provisions for release of the vehicle or vessel; providing that failure to comply with notice requirements precludes a wrecker company from imposing certain towing or storage charges; providing penalties; repealing s. 1.01(15), F.S., relating to the definition of the term “wrecker operator”; providing an appropriation and authorizing additional positions; providing effective dates.

By the Committees on General Government Appropriations; Higher Education; Regulated Industries; and Senator Wise—

CS for CS for CS for SB 996—A bill to be entitled An act relating to cosmetology; amending s. 477.013, F.S.; providing and revising definitions; redefining “cosmetology” to include specified services and exclude artificial nails and use of certain skin treatments; defining “hair stylist,” “esthetician,” and “nail technician”; including body wrapping within esthetician services; removing a distinction between specialty salons and other salons; creating s. 477.0131, F.S.; authorizing licensure for cosmetologists, hair stylists, estheticians, and nail technicians; amending s. 477.0132, F.S.; authorizing renewal of current body wrapping registrations; increasing length of required course; specifying that only the Board of Cosmetology may review, evaluate, and approve required course and text; amending s. 477.014, F.S.; revising requirements for qualification to practice under ch. 477, F.S.; authorizing current specialists to sit for licensure examinations in certain circumstances; providing for the renewal of current specialty registrations; amending s. 477.016, F.S.; requiring the Board of Cosmetology to adopt rules relating to protection of health of clients, nail technicians, and estheticians; amending s. 477.019, F.S.; revising qualifications, education, licensure and renewal, supervised practice, and endorsement requirements to include and differentiate such requirements for cosmetologists, hair stylists, estheticians, and nail technicians; requiring the board to adopt certain procedures relating to licensure by endorsement; amending s. 477.0212, F.S.; requiring the board to adopt certain rules relating to license renewal or continuing education; amending s. 477.023, F.S.; stipulating that the Department of Education is not prevented from issuing certain grooming and salon services certification; amending s. 477.025, F.S., relating to cosmetology and specialty salons, requisites, licensure, inspection, and mobile cosmetology salons, to conform; amending s. 477.026, F.S.; revising fee provisions to require specialties that are currently licensed to pay a fee commensurate with prior registration fees; revising fee provisions to conform with other changes made by the act; amending s. 477.0263, F.S.; specifying circumstances under which cosmetology, hair stylist, esthetician, nail technician, or specialty services may be practiced outside of a licensed salon; amending s. 477.0265, F.S., relating to prohibited acts, to conform; prohibiting the use or possession of a device containing a razor blade to remove, scrape, or cut calluses

from the hands or feet; amending s. 477.028, F.S., relating to disciplinary proceedings, to conform; amending s. 477.029, F.S., relating to penalties; conforming provisions; repealing s. 477.0201, F.S., relating to specialty registration, qualifications, registration renewal, and endorsement; requiring a report to the Legislature on the use of a national examination for certain licenses in order to improve reciprocity with other states; providing an appropriation; providing effective dates.

By the Committees on General Government Appropriations; Environmental Preservation and Conservation; and Senator Saunders—

CS for CS for SB 1296—A bill to be entitled An act relating to the water management districts; reenacting ss. 373.069, 373.0693, 373.0695, 373.073, and 373.083, F.S., relating to the creation of the water management districts, pursuant to the provisions of the Florida Government Accountability Act; amending s. 373.0693, F.S.; eliminating the Oklawaha River Basin Advisory Council; amending s. 373.323, F.S.; providing for applicants who meet certain conditions to be certified as a licensed water well contractor; amending s. 373.503, F.S.; providing that a water management district's millage rate is subject to annual authorization by the Legislature; requiring the Legislature to annually review a district's millage rate is subject to annual authorization by the Legislature; requiring the Legislature to annually review a district's millage rate; requiring the Legislature to annually set the amount of revenue authorized to be raised by a district from ad valorem taxes; providing for the amount of authorized revenue to be raised by a district if the Legislature does not set the amount by a specified date; amending s. 373.536, F.S.; revising the beginning and ending dates of a district's fiscal year; revising the date by which a district must submit a tentative budget to the Governor and the Legislature; eliminating the authorization for the Legislature to comment on such budgets; eliminating the requirement for districts to respond to such comments and to forward such responses to the Governor and Legislature; revising the date by which the Executive Office of the Governor must file a specified report with the Legislature; directing districts to implement conforming measures; providing for legislative review of certain district expenditures; amending s. 373.079, F.S.; revising meeting requirements for members of the governing boards of the water management districts, as provided in s. 120.54, F.S.; providing an effective date.

By the Committee on Health Policy; and Senator Hill—

CS for SB 1338—A bill to be entitled An act relating to the staffing of health care facilities; amending s. 395.301, F.S.; requiring acute care hospitals to make information concerning staffing levels at the hospital available to the public upon request; providing an effective date.

By the Committees on Education Pre-K - 12 Appropriations; Education Pre-K - 12; and Senators Gaetz, Lawson, King, Storms, Baker, Crist, Posey, Oelrich, Saunders, Fasano, Peaden, Siplin, Wise, Bennett, Dockery, Haridopolos, Alexander and Garcia—

CS for CS for SB 1440—A bill to be entitled An act relating to the Corporate Income Tax Credit Scholarship Program; amending s. 220.187, F.S.; providing legislative findings; revising program purposes; providing that specified students who are currently or have been in foster care are eligible for participation in the program; providing that siblings of certain students are eligible for participation in the program; providing income criteria for continuation of scholarships for students in foster care; revising provisions authorizing the total amount of tax credits that may be granted and deleting the reservation of a portion thereof; revising authorized uses of scholarship funds and providing for premium payments to certain students who participate in statewide assessments; revising provisions relating to expenditure of contributions received during a fiscal year; removing parent responsibility for providing transportation to certain assessment sites; providing obligations of the Department of Education relating to scholarship student participation in statewide assessments; revising scholarship amounts and provid-

ing amount of premium payments; requiring State Board of Education rule for adjustment of scholarship awards; revising requirements relating to verification of student attendance for purposes of scholarship payment; providing for preservation of credits under certain circumstances; providing an effective date.

By the Committee on Health Regulation; and Senators Jones, Dockery, Diaz de la Portilla, Storms, Lawson, King and Deutch—

CS for SB 1668—A bill to be entitled An act relating to long-term care facilities; providing a short title; amending s. 400.021, F.S.; revising definitions relating to nursing homes; defining the terms "affiliate," "controlling entity," "controlling financial interest," "entity," and "governing body"; amending s. 400.0239, F.S.; authorizing the expenditure of funds from the Quality of Long-Term Care Facility Improvement Trust Fund for the development of an electronic Nursing Home Guide; amending s. 400.071, F.S.; revising provisions relating to nursing home license applications; requiring the application to include the facility's affiliates, controlling entities, and entities having a controlling interest in the facility, proof of ability to operate, copies of certain contracts and investigations and fines, and the members of the facility's governing body; requiring financial and ownership information to be submitted in a format prescribed by the agency; amending s. 400.102, F.S.; revising grounds for taking action against a nursing home to conform to changes made by the act; amending s. 400.111, F.S.; requiring the disclosure of controlling interests at the time of licensure, license renewal, or change of ownership; amending s. 400.121, F.S.; revising provisions relating to the denial, suspension, or revocation of a license to conform to changes made by the act; amending s. 400.141, F.S.; prohibiting nursing home liability insurance from paying for certain legal costs; requiring the facility to notify the agency if the policy has been exhausted; amending s. 400.191, F.S.; requiring that the Agency for Health Care Administration to maintain an electronic Nursing Home Guide; deleting the requirement that the agency provide a printed guide; revising the information that must be provided on the agency's website; creating s. 400.197, F.S.; requiring a nursing home to notify residents and post a request for a change of ownership in prominent locations in the nursing home; providing for a hearing as to the fitness of a new owner; providing for investigations of the new owner; providing that a new owner assumes the liabilities of the prior licensee, its affiliates, or controlling entities; amending s. 429.02, F.S.; revising definitions for assisted living facilities; defining the terms "affiliate," "controlling entity," "controlling financial interest," and "entity"; amending s. 429.11, F.S.; revising provisions relating to applications for an assisted living facility license; requiring the application to include members of the facilities governing body, the facility's affiliates, controlling entities, and entities having a controlling interest in the facility, and copies of certain contracts and investigations and fines; requiring financial and ownership information to be submitted in a format prescribed by the agency; amending s. 429.12, F.S.; requiring the assisted living facility to notify residents and post a request for a change of ownership in prominent locations in the facility; providing for a hearing as to the fitness of a new owner upon request; providing for investigations of the new owner; providing that a new owner assumes the liabilities of the prior licensee, affiliates, or controlling entities; amending s. 429.14, F.S.; revising provisions relating to the denial, suspension, or revocation of a license to conform to changes made by the act; amending s. 429.174, F.S.; conforming a cross-reference; amending s. 429.275, F.S.; prohibiting assisted living facility liability insurance from paying for certain legal costs; requiring the facility to notify the agency if the policy has been exhausted; providing effective dates.

By the Committees on Criminal Justice; Judiciary; and Senator Oelrich—

CS for CS for SB 1730—A bill to be entitled An act relating to service of process; amending s. 48.021, F.S.; allowing criminal witness subpoenas and criminal summonses to be served by a special process server appointed by the local sheriff or by a certified process server; amending

s. 48.27, F.S.; providing for the selection of authorized certified process servers to serve such subpoenas and summonses to conform to changes made by the act; amending s. 56.041, F.S.; providing that all unsatisfied executions held by the sheriff which were docketed before October 1, 2001, or held after a specified period may be returned to the issuing court; amending s. 56.21, F.S.; requiring the submission of an affidavit before levying a judgment upon real property; requiring the sheriff to furnish to the judgment debtor or lienholder or the debtor's or lienholder's attorney of record a copy of the notice of sale, notice of levy, and affidavit within a specified period before execution of a sale or levy; amending s. 56.27, F.S.; requiring that priority of liens on real property be based on the effective date of the judgment lien for a specified purpose, unless an affidavit discloses that the property is subject to a recorded mortgage, financing statement, tax warrant or other lien that is junior in priority to the judgment lien; requiring a levying creditor to deliver the affidavit to the sheriff at the time of the levy request setting forth certain information and attestations; amending ss. 741.30 and 784.046, F.S., relating to service of process in cases of domestic violence or sexual abuse; authorizing clerks of court to transmit facsimile or electronic copies of previously certified injunctions to sheriffs upon request; requiring sheriffs to verify receipt of facsimile or electronic copies of injunctions with clerks of court before attempting service; authorizing law enforcement officers to serve facsimile or electronic copies of injunctions in the same manner as certified copies; providing an effective date.

By the Committees on Education Pre-K - 12 Appropriations; Education Pre-K - 12; and Senator Gaetz—

CS for CS for SB 1914—A bill to be entitled An act relating to education; amending s. 1000.21, F.S.; providing and revising definitions; amending s. 1001.03, F.S.; requiring the State Board of Education to periodically review and revise state curriculum standards; eliminating provisions requiring that the state board report proposed revisions to the Governor and the Legislature; amending s. 1001.452, F.S.; revising provisions relating to membership of school advisory councils; amending s. 1003.41, F.S.; requiring that the State Board of Education replace the Sunshine State Standards with the Next Generation Sunshine State Standards; providing for application of the Sunshine State Standards pending adoption of the Next Generation Sunshine State Standards; providing requirements concerning the content and organization of the Next Generation Sunshine State Standards; requiring that the Next Generation Sunshine State Standards establish core curricular content in specified areas for certain grades or grade clusters; requiring that the state board establish schedules for the adoption and revision of the Next Generation Sunshine State Standards; requiring that the state board adopt the Next Generation Sunshine State Standards by a specified date; requiring the Commissioner of Education to provide proposed Next Generation Sunshine State Standards or proposed revisions of such standards to the state board; providing requirements concerning the commissioner's development of the proposed standards or revisions; requiring consultation with certain experts; requiring distribution of a proposal developed by the commissioner for review and comment by certain experts; requiring a written evaluation of the proposal developed by the commissioner by a research institution meeting specified criteria; requiring provision of the commissioner's proposed standards and the written evaluation and comments to the Governor, the President of the Senate, and the Speaker of the House of Representatives; authorizing rulemaking by the State Board of Education; amending s. 1003.413, F.S.; requiring policies of each district school board to address an annual review of student education plans; amending s. 1003.428, F.S.; revising courses that are acceptable for high school graduation; conforming a cross-reference; creating s. 1003.4285, F.S.; providing for high school diploma designations; amending ss. 1003.429, 1003.43, and 1003.433, F.S.; conforming cross-references; amending s. 1003.63, F.S.; revising the type of assessment tests reported to the Governor and the Legislature relating to the deregulated public schools pilot program; amending s. 1004.85, F.S.; conforming cross-references; amending s. 1004.99, F.S.; providing designations of Florida Ready to Work credentials; amending s. 1007.21, F.S., relating to postsecondary placement tests for high school students; authorizing the common placement test

to be administered to high school students and not just second semester sophomores; amending s. 1007.235, F.S.; revising the components for the district interinstitutional articulation agreement to include secondary school and postsecondary institution responsibilities for calculation of grades; amending s. 1008.22, F.S.; revising provisions governing application of testing requirements for high school graduation; providing criteria concerning the testing and scores required for a continuously enrolled student to earn a standard high school diploma; authorizing the commissioner to administer comprehensive end-of-course assessments; providing requirements for comprehensive and end-of-course assessments; authorizing the commissioner to select a nationally developed comprehensive examination for use as an end-of-course assessment; revising the design of the testing program; authorizing the commissioner to collaborate with the American Diploma Project to develop end-of-course assessments; authorizing the commissioner to discontinue administration of an outdated assessment under certain conditions; requiring the commissioner to establish schedules for the administration of statewide assessments and the reporting of student test results; providing requirements for the testing and reporting schedules; requiring district school boards to prohibit public schools from suspending a program of curricula for the administration of practice tests; authorizing a district school board to permit a school to engage in certain test-preparation activities; revising the applicability of testing standards under certain conditions; revising the requirements contained in the annual report by the department to the Governor and the Legislature; amending s. 1008.31, F.S.; declaring the legislative intent that the K-20 education system comply with the Individuals with Disabilities Education Act; amending s. 1008.34, F.S.; revising the exceptions for a school to receive a school grade; revising the student assessment data used in determining school grades; requiring a school district that fails to assign FCAT scores back to students' schools to forfeit school recognition funds for a specified time; requiring the collaboration between a home school and alternative school to be between the principals of each school in order to promote student success; authorizing the state board to adopt rules; amending s. 1008.341, F.S.; revising provisions for a school improvement rating for an alternative school; authorizing the state board to adopt rules; amending s. 1012.56, F.S.; requiring teacher certification exams to be aligned to revised curriculum standards; amending ss. 1012.57 and 1012.586, F.S.; conforming cross-reference; amending s. 1012.71, F.S.; providing definitions; revising requirements for the use of program funds by classroom teachers; providing for the disbursement of funds to school districts; specifying the means for providing a classroom teacher with his or her proportionate share of program funds; providing that funds received are not subject to competitive bidding requirements or collective bargaining; requiring each classroom teacher to sign a statement acknowledging receipt of funds; providing requirements for accounting of expenditures and reimbursement of funds under certain conditions; amending s. 1013.12, F.S.; requiring that a school cafeteria post certain information concerning its sanitation certificate and inspection; providing effective dates.

By the Committees on General Government Appropriations; Community Affairs; Regulated Industries; and Senator Aronberg—

CS for CS for CS for SB 2016—A bill to be entitled An act relating to public lodging and public food service establishments; amending s. 509.013, F.S.; revising and adding definitions; amending s. 509.032, F.S.; eliminating the requirement for the Division of Hotels and Restaurants to assist the State Fire Marshal in updating the Florida Fire Prevention Code; eliminating the requirement for the division to enforce the Florida Fire Prevention Code in conducting its inspections; requiring the division, or its agent, to notify firesafety officials of certain readily observable violations of the Florida Fire Prevention Code rules; revising state preemption authority; amending s. 509.039, F.S.; decreasing the amount of time in which a food service manager is required to obtain certification after employment; requiring public food service establishments to provide proof of certification upon request by the division; amending s. 509.101, F.S.; deleting the requirement that a transient establishment maintain a copy of ch. 509, F.S., on its premises; amending s. 509.142, F.S.; requiring the operator of a public lodging establishment or public food service establishment to accommodate any person

using a child conveyance; amending s. 509.211, F.S.; deleting a requirement for division notification of local firesafety officials or the State Fire Marshal of violations of rules under ch. 633, F.S.; amending s. 509.221, F.S.; providing that certain sanitary regulations for a public lodging establishment for its guests and employees and for a public food service establishment for its employees be in compliance with the Florida Building Code as approved by the local building authority; providing for wastewater disposal procedures for public food service establishments; requiring public lodging establishment and public food service establishment public restroom requirements to be in accordance with the Florida Building Code as approved by the local building authority; amending s. 509.242, F.S.; clarifying public lodging establishment classifications; amending s. 509.261, F.S.; authorizing the division to levy sanctions for failing to comply with final orders of the division; authorizing the division to require payment of outstanding fines before renewing or issuing a license; providing an effective date.

By the Committees on General Government Appropriations; Banking and Insurance; and Senator Posey—

CS for CS for SB 2174—A bill to be entitled An act relating to motor vehicle insurance; amending s. 627.736, F.S.; revising the schedule of maximum charges on which an insurer may base a limited reimbursement for certain medical services, supplies, and care for injured persons covered by personal injury protection; specifying a minimum amount for the applicable fee schedule or payment limitation under Medicare for such reimbursements; providing an effective date.

By the Committees on General Government Appropriations; Agriculture; and Senators Baker and Bennett—

CS for CS for SB 2246—A bill to be entitled An act relating to land development regulation; amending s. 163.3162, F.S.; providing for the use of certain lands surrounding an agricultural enclave; creating a rebuttable presumption for the imposition of certain development conditions relating to agricultural enclaves; providing a timeframe for submitting certain information relating to proposed plan amendments; creating a rebuttable presumption for denial of or failure to approve plan amendments relating to agricultural enclaves; providing concurrency standards for agricultural enclaves in relation to previously approved development contiguous to the enclave; amending s. 163.3245, F.S.; revising provisions relating to optional sector plans; providing applicability to certain pending applications; amending s. 163.3164, F.S.; revising the definition of “agricultural enclave”; providing an effective date.

By the Committee on Regulated Industries; and Senators Posey and Fasano—

CS for SB 2504—A bill to be entitled An act relating to residential properties; amending s. 514.011, F.S.; defining the term “homeowners’ association”; amending s. 514.0115, F.S.; providing for the regulation and exemption from regulation for homeowners’ association swimming pools; amending s. 515.25, F.S.; conforming a cross-reference; amending s. 720.303, F.S.; revising provisions relating to homeowners’ association board meetings, inspection and copying of records, and reserve accounts of budgets; prohibiting a salary or compensation for certain association personnel; providing exceptions; amending s. 720.305, F.S.; authorizing fines assessed against members which exceed a certain amount to become a lien against a parcel; amending s. 720.306, F.S.; providing requirements for secret ballots; requiring newly elected members of a board of directors to make certain certifications in writing to the association; providing for disqualification for failure to make such certifications; requiring an association to retain certifications for a specified time; amending s. 720.401, F.S.; requiring that the disclosure summary to prospective parcel owners include additional provisions; amending s. 34.01, F.S.; correcting a cross-reference to conform; amending s. 720.302, F.S.; correcting a cross-reference to conform; establishing legislative intent; repealing s. 720.311, F.S., relating to a procedure for dispute

resolution in homeowners’ associations; providing that dispute resolution cases pending on the date of repeal will continue under the repealed provisions; creating part IV of ch. 720, F.S.; creating s. 720.501, F.S.; providing a short title; creating s. 720.502, F.S.; creating legislative findings; creating s. 720.503, F.S.; setting applicability of provisions for mediation and arbitration applicable to disputes in homeowners’ associations; creating exceptions; proving applicability; tolling applicable statutes of limitations; creating s. 720.504, F.S.; requiring that the notice of dispute be delivered before referral to mediation; creating s. 720.505, F.S.; creating a statutory notice form for referral to mediation; requiring delivery by certified mail or personal delivery; setting deadlines; requiring parties to share costs; requiring the selection of a mediator and times to meet; providing penalties for failure to mediate; creating s. 720.506, F.S.; creating an opt-out provision; creating s. 720.507, F.S.; creating a statutory notice form for referral to arbitration; requiring delivery by certified mail or personal delivery; setting deadlines; requiring parties to share costs; requiring the selection of an arbitrator and times to meet; providing penalties for failure to arbitrate; creating s. 720.508, F.S.; providing for rules of procedure; providing for confidentiality; creating s. 720.509, F.S.; setting qualifications for mediators and arbitrators; creating s. 720.510, F.S.; providing for enforcement of mediation agreements and arbitration awards; providing an effective date.

By the Committee on Regulated Industries; and Senator Haridopolos—

CS for SB 2582—A bill to be entitled An act relating to motor vehicle dealers; amending s. 320.64, F.S.; prohibiting licensees from certain actions intended to coerce a dealer to improve its facilities after the licensee has approved those facilities; allowing licensees to offer certain loan or grant programs to induce the dealer to relocate or improve the existing facilities, if such inducement is not discriminatory or designed to force the dealer to do so; prohibiting certain adverse actions against a dealer who does not participate in such programs; declaring certain inducement programs void; authorizing a licensee to set reasonable standards for dealer sales and facilities; prohibiting licensees from altering allocations or supplies of new vehicles to achieve goals that are prohibited in this state by statute; clarifying a provision relating to a prohibition against a dealer selling a motor vehicle to a customer who exported or resold the vehicle; requiring the licensee to prove the dealer had actual knowledge of the customer’s intent to export or resell the vehicle; creating a conclusive presumption that the dealer had no actual knowledge if the vehicle was titled or registered in this country; authorizing licensees to audit dealers to determine the validity of paid claims if the licensee complies with applicable statutory requirements; creating s. 320.6412, F.S.; providing a burden of proof in actions to terminate a motor vehicle dealer franchise based on fraud or misrepresentation; amending s. 320.696, F.S.; substantially revising provisions relating to the licensee’s responsibility to timely and reasonably compensate a dealer who performs warranty, service contract maintenance plan, or other vehicle preparation work; providing methods of determining the cost for parts and labor to be paid to a dealer as compensation for performing warranty repairs and vehicle preparation for the licensee; prohibiting the licensee from taking certain adverse actions against a dealer for seeking to obtain compensation for such work; prohibiting certain acts by a licensee to reduce the amount of compensation to be paid to a dealer or to offset or recover from the dealer compensation previously received; providing for severability; providing an effective date.

By the Committee on Military Affairs and Domestic Security; and Senator Bullard—

CS for SB 2728—A bill to be entitled An act relating to community redevelopment; amending s. 163.340, F.S.; defining the term “blighted area” to include land previously used as a military facility; providing an effective date.

By the Committee on Health Policy; and Senators Deutch, Ring, Rich, Bennett, Joyner and Dawson—

CS for SB 2790—A bill to be entitled An act relating to cigarette user fees; providing legislative findings; amending s. 210.01, F.S.; defining the terms “council,” “total collections,” and “net collections”; revising the definitions of “exporter,” “unstamped package,” “stamp” or “stamps,” and “counterfeit cigarettes”; amending s. 210.02, F.S.; replacing all references to the term tax with user fee; increasing the amount of the cigarette user fee; amending ss. 210.021, 210.03, 210.04, 210.05, 210.06, 210.07, 210.08, 210.09, 210.11, 210.12, 210.13, 210.14, 210.15, 210.18, 210.181, 210.185, and 210.19, F.S.; conforming provisions to changes made by the act; amending s. 210.20, F.S.; providing definitions; requiring the Division of Alcoholic Beverages and Tobacco to certify to the Chief Financial Officer the amount of net collections derived from the user fee on a monthly basis; requiring the division to credit a specific percent of the total base allocation to certain trust funds, the H. Lee Moffitt Cancer Center and Research Institute’s Board of Directors, the William G. “Bill” Bankhead, Jr., and David Coley Cancer Research Program, and certain medical residency and fellowship programs; providing legislative intent to use the cigarette user fee collections to increase enrollment in the Florida Kidcare program; requiring that the amounts credited or transferred from the Cigarette Tax Collection Trust Fund be adjusted in proportion to the corresponding reference year allocation; providing a formula for calculating the maximum total supplemental allocation; amending s. 210.201, F.S.; requiring the Board of Directors of the H. Lee Moffitt Cancer Center and Research Institute to use funds to secure bonds or financial products for cancer facilities; amending s. 215.5602, F.S.; requiring the James and Esther King Biomedical Research Program to appropriate a certain percent of the program’s annual funding to expand research conducted on tobacco-related illnesses; increasing the amount of funds allocated to the Florida Center for Universal Research to Eradicate Disease; extending certain expiration dates; amending s. 381.922, F.S.; revising the purpose of the William G. “Bill” Bankhead, Jr., and David Coley Cancer Research Program to expand cancer research and treatment; requiring the program to provide grants for the recruitment of cancer researchers and institutions, operational start-up grants for newly recruited researchers, and for fixed capital outlay; requiring that certain proceeds be used for certain purposes; extending certain expiration dates; requiring the Department of Health to submit a report to the Governor and the Legislature by a certain date which contains an estimate of the financial impact of tobacco use and related illnesses on the economy and taxpayers; providing an effective date.

By the Committees on General Government Appropriations; Governmental Operations; and Senator Lawson—

CS for CS for SB 2848—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.021, F.S.; redefining the terms “employer,” “officer or employee,” “past service,” “compensation,” “normal retirement date,” “regularly established position,” and “temporary position”; defining the terms “state board” and “trustees”; amending s. 121.031, F.S.; requiring promotional materials that refer to the Florida Retirement System to include a disclaimer unless approval is obtained from the Department of Management Services; amending s. 121.051, F.S.; conforming a cross-reference; revising provisions relating to participation in the system; excluding the participation of entities under a lease agreement; excluding the participation of prisoners and inmates in the system; amending s. 121.052, F.S.; changing the dates for when a governing body of a municipality or special district may elect to designate its elected positions for inclusion in the Elected Officers’ Class; amending s. 121.071, F.S.; expanding the mechanisms for employees to pay contributions to the system; amending s. 121.081, F.S.; revising provisions relating to receiving credit for past or prior service; prohibiting a member from receiving credit for service covered and reported by both a public employer and a private employer; amending s. 121.091, F.S.; revising provisions relating to retirement benefits; deleting a restriction on the reemployment of certain personnel by the Florida School for the Deaf and the Blind; extending the period of time that instructional personnel employed by a developmental research school may par-

ticipate in the Deferred Retirement Option Program; clarifying that DROP participation cannot be cancelled; providing for the suspension of DROP benefits to a participant who is reemployed; deleting obsolete provisions; authorizing the Division of Retirement to issue benefits pursuant to a qualified domestic relations order directly to the alternate payee; amending s. 121.1115, F.S.; revising provisions relating to receiving retirement credit for out-of-state service; providing that a member is not eligible for and may not receive a benefit based on that service; amending s. 121.1122, F.S.; revising provisions relating to receiving retirement credit for in-state service; providing that a member may not be eligible for or receiving a benefit based on service; amending s. 121.136, F.S.; revising provisions relating to the annual statement of benefits provided to certain active members of the Florida Retirement System; amending s. 121.1905, F.S.; deleting provision describing the mission of the Division of Retirement; amending s. 121.23, F.S.; requiring the State Retirement Commission to meet the same requirements used by the Secretary of Management Services before approving a disability retirement benefit; amending s. 121.24, F.S.; requiring a quorum of three members for all appeal hearings held by the State Retirement Commission; amending s. 1012.33, F.S.; deleting the provision preventing persons who have retired from the public school system from renewing membership in the Florida Retirement System upon reemployment by the school system; repealing s. 121.093, F.S., relating to instructional personnel reemployment after retirement from the developmental research school or the Florida School for the Deaf and the Blind; repealing s. 121.094, F.S., relating to instructional personnel reemployment after retirement from a charter school; repealing s. 121.45, F.S., relating to interstate compacts relating to pension portability; providing a declaration of important state interest; providing an effective date.

REFERENCE CHANGES PURSUANT TO RULE 4.7(2)

By the Committees on Education Pre-K - 12 Appropriations; Education Pre-K - 12; and Senator Gaetz—

CS for CS for SB 1914—A bill to be entitled An act relating to education; amending s. 1000.21, F.S.; providing and revising definitions; amending s. 1001.03, F.S.; requiring the State Board of Education to periodically review and revise state curriculum standards; eliminating provisions requiring that the state board report proposed revisions to the Governor and the Legislature; amending s. 1001.452, F.S.; revising provisions relating to membership of school advisory councils; amending s. 1003.41, F.S.; requiring that the State Board of Education replace the Sunshine State Standards with the Next Generation Sunshine State Standards; providing for application of the Sunshine State Standards pending adoption of the Next Generation Sunshine State Standards; providing requirements concerning the content and organization of the Next Generation Sunshine State Standards; requiring that the Next Generation Sunshine State Standards establish core curricular content in specified areas for certain grades or grade clusters; requiring that the state board establish schedules for the adoption and revision of the Next Generation Sunshine State Standards; requiring that the state board adopt the Next Generation Sunshine State Standards by a specified date; requiring the Commissioner of Education to provide proposed Next Generation Sunshine State Standards or proposed revisions of such standards to the state board; providing requirements concerning the commissioner’s development of the proposed standards or revisions; requiring consultation with certain experts; requiring distribution of a proposal developed by the commissioner for review and comment by certain experts; requiring a written evaluation of the proposal developed by the commissioner by a research institution meeting specified criteria; requiring provision of the commissioner’s proposed standards and the written evaluation and comments to the Governor, the President of the Senate, and the Speaker of the House of Representatives; authorizing rulemaking by the State Board of Education; amending s. 1003.413, F.S.; requiring policies of each district school board to address an annual review of student education plans; amending s. 1003.428, F.S.; revising courses that are acceptable for high school graduation; conforming a cross-reference; creating s. 1003.4285, F.S.; providing for high school diploma designations; amending ss. 1003.429, 1003.43, and

1003.433, F.S.; conforming cross-references; amending s. 1003.63, F.S.; revising the type of assessment tests reported to the Governor and the Legislature relating to the deregulated public schools pilot program; amending s. 1004.85, F.S.; conforming cross-references; amending s. 1004.99, F.S.; providing designations of Florida Ready to Work credentials; amending s. 1007.21, F.S., relating to postsecondary placement tests for high school students; authorizing the common placement test to be administered to high school students and not just second semester sophomores; amending s. 1007.235, F.S.; revising the components for the district interinstitutional articulation agreement to include secondary school and postsecondary institution responsibilities for calculation of grades; amending s. 1008.22, F.S.; revising provisions governing application of testing requirements for high school graduation; providing criteria concerning the testing and scores required for a continuously enrolled student to earn a standard high school diploma; authorizing the commissioner to administer comprehensive end-of-course assessments; providing requirements for comprehensive and end-of-course assessments; authorizing the commissioner to select a nationally developed comprehensive examination for use as an end-of-course assessment; revising the design of the testing program; authorizing the commissioner to collaborate with the American Diploma Project to develop end-of-course assessments; authorizing the commissioner to discontinue administration of an outdated assessment under certain conditions; requiring the commissioner to establish schedules for the administration of statewide assessments and the reporting of student test results; providing requirements for the testing and reporting schedules; requiring district school boards to prohibit public schools from suspending a program of curricula for the administration of practice tests; authorizing a district school board to permit a school to engage in certain test-preparation activities; revising the applicability of testing standards under certain conditions; revising the requirements contained in the annual report by the department to the Governor and the Legislature; amending s. 1008.31, F.S.; declaring the legislative intent that the K-20 education system comply with the Individuals with Disabilities Education Act; amending s. 1008.34, F.S.; revising the exceptions for a school to receive a school grade; revising the student assessment data used in determining school grades; requiring a school district that fails to assign FCAT scores back to students' schools to forfeit school recognition funds for a specified time; requiring the collaboration between a home school and alternative school to be between the principals of each school in order to promote student success; authorizing the state board to adopt rules; amending s. 1008.341, F.S.; revising provisions for a school improvement rating for an alternative school; authorizing the state board to adopt rules; amending s. 1012.56, F.S.; requiring teacher certification exams to be aligned to revised curriculum standards; amending ss. 1012.57 and 1012.586, F.S.; conforming cross-reference; amending s. 1012.71, F.S.; providing definitions; revising requirements for the use of program funds by classroom teachers; providing for the disbursement of funds to school districts; specifying the means for providing a classroom teacher with his or her proportionate share of program funds; providing that funds received are not subject to competitive bidding requirements or collective bargaining; requiring each classroom teacher to sign a statement acknowledging receipt of funds; providing requirements for accounting of expenditures and reimbursement of funds under certain conditions; amending s. 1013.12, F.S.; requiring that a school cafeteria post certain information concerning its sanitation certificate and inspection; providing effective dates.

—was referred to the Committee on Education Pre-K - 12.

By the Committee on Higher Education; and Senators Oelrich and Fasano—

CS for SB 2170—A bill to be entitled An act relating to retirement; amending s. 121.021, F.S.; clarifying that the term “compensation” for purposes of the benefit retirement program or the Public Employee Optional Retirement Program of the Florida Retirement System does not include fees or salary payments made from a faculty practice plan authorized by the Board of Governors of the State University System for clinical faculty at a state university having a faculty practice plan; amending s. 121.051, F.S.; requiring that a person appointed to a faculty

position at a state university having a faculty practice plan participate in the optional retirement program of the State University System rather than the Florida Retirement System; providing definitions; amending s. 121.35, F.S.; requiring the participating employee in the optional retirement program to execute a contract, not just an annuity contract, with a designated company in order for employee contributions to be forwarded to the company and for interest to accrue; defining the term “participant’s gross monthly compensation” for purposes of the optional retirement program for the State University System; creating s. 121.355, F.S.; authorizing certain former participants in the Community College Optional Retirement Program or the State University System Optional Retirement Program and present mandatory participants in the Florida Retirement System to receive a specified amount of service credit under certain conditions; providing a specified time period for the election of such transfer; limiting certain service credit; providing an effective date.

—was placed on the Calendar.

By the Committee on Regulated Industries; and Senators Posey and Fasano—

CS for SB 2504—A bill to be entitled An act relating to residential properties; amending s. 514.011, F.S.; defining the term “homeowners’ association”; amending s. 514.0115, F.S.; providing for the regulation and exemption from regulation for homeowners’ association swimming pools; amending s. 515.25, F.S.; conforming a cross-reference; amending s. 720.303, F.S.; revising provisions relating to homeowners’ association board meetings, inspection and copying of records, and reserve accounts of budgets; prohibiting a salary or compensation for certain association personnel; providing exceptions; amending s. 720.305, F.S.; authorizing fines assessed against members which exceed a certain amount to become a lien against a parcel; amending s. 720.306, F.S.; providing requirements for secret ballots; requiring newly elected members of a board of directors to make certain certifications in writing to the association; providing for disqualification for failure to make such certifications; requiring an association to retain certifications for a specified time; amending s. 720.401, F.S.; requiring that the disclosure summary to prospective parcel owners include additional provisions; amending s. 34.01, F.S.; correcting a cross-reference to conform; amending s. 720.302, F.S.; correcting a cross-reference to conform; establishing legislative intent; repealing s. 720.311, F.S., relating to a procedure for dispute resolution in homeowners’ associations; providing that dispute resolution cases pending on the date of repeal will continue under the repealed provisions; creating part IV of ch. 720, F.S.; creating s. 720.501, F.S.; providing a short title; creating s. 720.502, F.S.; creating legislative findings; creating s. 720.503, F.S.; setting applicability of provisions for mediation and arbitration applicable to disputes in homeowners’ associations; creating exceptions; providing applicability; tolling applicable statutes of limitations; creating s. 720.504, F.S.; requiring that the notice of dispute be delivered before referral to mediation; creating s. 720.505, F.S.; creating a statutory notice form for referral to mediation; requiring delivery by certified mail or personal delivery; setting deadlines; requiring parties to share costs; requiring the selection of a mediator and times to meet; providing penalties for failure to mediate; creating s. 720.506, F.S.; creating an opt-out provision; creating s. 720.507, F.S.; creating a statutory notice form for referral to arbitration; requiring delivery by certified mail or personal delivery; setting deadlines; requiring parties to share costs; requiring the selection of an arbitrator and times to meet; providing penalties for failure to arbitrate; creating s. 720.508, F.S.; providing for rules of procedure; providing for confidentiality; creating s. 720.509, F.S.; setting qualifications for mediators and arbitrators; creating s. 720.510, F.S.; providing for enforcement of mediation agreements and arbitration awards; providing an effective date.

—was referred to the Committees on Community Affairs; and Judiciary.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

RETURNING MESSAGES ON HOUSE BILLS

The Honorable Ken Pruitt, President

I am directed to inform the Senate that the Speaker of the House of Representatives has appointed the following Representatives to the conference committee for HB 5001, HB 5003, HB 5043, HB 5045, HB 5047, HB 5049, HB 5051, HB 5053, HB 5055, CS for HB 5057, HB 5059, HB 5061, HB 5063, HB 5067, HB 5069, HB 5071, HB 5073, HB 5075, HB 5077, HB 5079, HB 5081, HB 5083, HB 5085, HB 5087, HB 5091, HB 5093,: Rep. Sansom, Chair: At-Large Reps. Ambler, Bogdanoff, Bowen, Cretul, Cusack, Flores, Gelber, Hasner, Rivera, Sands, Saunders, Seiler, Simmons and Zapata; Rep. Cannon, Chair: Economic Expansion & Infrastructure—Reps. Hukill, Aubuchon, Bucher, Evers, Fitzgerald, Glorioso, Patterson, Proctor, Reed, Scionti and Weatherford; Rep. Mayfield, Chair: Environment & Natural Resources—Reps. Troutman, Boyd, Brandenburg, Glorioso, Grimsley, Kendrick, Kreegel, Machek, Precourt, Randolph, Sasso and Williams; Rep. Attkisson, Chair: Government Efficiency & Accountability—Reps. Grant, Ambler, Domino, Gardiner, Gibbons, Homan, Lopez-Cantera, Meadows, Schenck, Soto and Thompson; Rep. Bean, Chair: Healthcare—Reps. Gibson, Ausley, Galvano, R. Garcia, Harrell, Hays, Hudson, Patronis, Roberson, Skidmore and Waldman; Rep. Reagan, Chair: Jobs & Entrepreneurship—

Reps. Poppell, Brisé, Carroll, Chestnut, Dorworth, Long, Murzin, Richardson, Richter, Robaina and Schultz; Rep. Kravitz, Chair: Safety & Security—Reps. Ross, Adams, A. Gibson, Kelly, Llorente, Needelman, Planas, Sachs, Taylor, N. Thompson, and Thurston; Rep. Pickens, Chair: Schools and Learning Reps. Traviesa, Altman, Bendross-Mindingall, Coley, Culp, Kiar, Kriseman, Legg, McBurney, McKeel and Vana.

William S. Pittman III, Chief Clerk

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 16 was corrected and approved.

CO-INTRODUCERS

Senators Atwater—CS for CS for SB 1084, SB 1316; Baker—CS for SB 2422, CS for CS for SB 2580; Bullard—CS for SB 1064; Dean—CS for SB 1064; Haridopolos—CS for CS for CS for SB 392

RECESS

On motion by Senator King, the Senate recessed at 12:27 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 10:00 a.m., Wednesday, April 23 or upon call of the President.