



# Journal of the Senate

Number 20—Regular Session

Wednesday, April 30, 2008

## CONTENTS

Bills on Third Reading . . . . . 981, 1011, 1020, 1087  
 Call to Order . . . . . 980, 1004  
 Co-Introducers . . . . . 1012, 1094  
 House Messages, Final Action . . . . . 1094  
 House Messages, First Reading . . . . . 1089  
 Local Bill Calendar . . . . . 1013  
 Motions . . . . . 1088  
 Motions Relating to Committee Reference . . . . . 1004, 1088  
 Point of Order Disposition . . . . . 1085  
 Remarks . . . . . 1004, 1007  
 Reports of Committees . . . . . 1089  
 Resolutions . . . . . 980  
 Special Order Calendar . . . . . 1032  
 Special Presentation . . . . . 1007, 1013

## CALL TO ORDER

The Senate was called to order by President Pruitt at 10:00 a.m. A quorum present—40:

Mr. President	Dockery	Oelrich
Alexander	Fasano	Peadar
Aronberg	Gaetz	Posey
Atwater	Garcia	Rich
Baker	Geller	Ring
Bennett	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	

## PRAYER

The following prayer was offered by the Rev. Dr. Robert Vernon Lee III, Founding Chairman and Chief Executive Officer, Fresh Ministries, Jacksonville:

I have chosen today two verses in Scripture—one that is common to both Judaism and Christianity, and the other integral to the Christian message. Both hold a theme common to the principles of most religions. The first, Genesis 18:19, reveals God’s attitude to us through Abraham. It reads: “I have chosen him, that he may charge his children and the household after him to keep the way of the Lord by doing righteousness and justice.” My second verse, Matthew 5:7, reads: “Blessed are the merciful, for they shall obtain mercy.”

Let us pray. Dear Lord, we come before you today with thanksgiving, but also with a sense of daunting duty. We come before you understanding the responsibility carried by the men and women of this body—a responsibility to both you and the people of this state—people in great need of elected champions.

Guide our Senators, we pray with a sense of justice and fair play, that opportunity and blessings may be the reward of hard work. Guide our Senators that the land, our resources and the environment of this great state might be preserved. Let us, in the light of justice, understand the

Kenyan proverb that we are to be caretakers of all entrusted to us, for we haven’t inherited it from our parents, but rather, we have borrowed it from our children.

But let us also be merciful. Help us to remember the words of Frederick Buechner who wrote: “Justice does not preclude mercy. It makes mercy possible. Justice is the pitch of the roof and the structure of the walls. Mercy is the patter of rain on the roof and the life sheltered by the walls. Justice is the grammar of things. Mercy is the poetry of things.”

Enable our leaders, dear Lord, to remember the plight in which our homeless, our destitute and our disenfranchised find themselves. Help them to remember the working poor. Help us to find the ways to raise up new generations of children—children who have equal opportunity to live healthy, happy and productive lives. Help our Senators, dear Lord, to wind the poetry of mercy through the grammar of the justice they legislate.

And above all, we call on you, our creator, to help our Senators to live in the clear light of your love. Give them the courage, in all that they do, to stand and share the truth no matter what the personal cost. Maintain in them the strength and the character to create a lasting legacy of hope for all of our citizens in all walks of life.

We know, dear Lord, that whatever we dream in the name of your spirit can be accomplished. But the time for only dreams is past. It is time now to act. Each moment—a gift from you—is not to be carelessly abandoned. Help us to make each second, each moment, rich with possibility—with justice and with mercy.

Envelop us with your love, empower us with your spirit, and lead us with your light. All this we pray in your holy name. Amen.

## PLEDGE

Senate Pages Luke Brigham of Orlando; Hannah Ciupalo of Tallahassee; Patrick H. Freeman of Newberry; and Kory Eylmann of New Smyrna Beach, led the Senate in the pledge of allegiance to the flag of the United States of America.

## ADOPTION OF RESOLUTIONS

At the request of Senator Ring—

By Senator Ring—

**SR 352**—A resolution recognizing May 2008 as “Amyotrophic Lateral Sclerosis Awareness Month” in the State of Florida.

WHEREAS, Amyotrophic Lateral Sclerosis (ALS), better known as Lou Gehrig’s Disease, is a progressive neurodegenerative disease that affects nerve cells in the brain and spinal cord, and

WHEREAS, the early symptoms of ALS include weakness of the skeletal muscles, especially involving the arms and legs, and difficulty in swallowing, talking, and breathing, and

WHEREAS, ALS eventually causes muscles to atrophy, and the patient becomes a functional quadriplegic, and

WHEREAS, ALS does not affect a patient’s mental capacity; therefore, the patient remains alert and aware of his or her loss of motor functions and the inevitability of continued deterioration and death, and

WHEREAS, on average, patients diagnosed as having ALS survive only 2 to 5 years after the diagnosis, and

WHEREAS, research indicates that military veterans are at least 50 percent more likely to develop ALS than those who have not served in the military, and

WHEREAS, ALS has no known cause, means of prevention, or cure, and

WHEREAS, the recognition of an “Amyotrophic Lateral Sclerosis Awareness Month” will increase awareness regarding the circumstances of ALS patients and the terrible impact this disease has not only on the patient but on the patient’s family and the larger community and will support the goals of biomedical research on ALS, which are to find the cause or causes of ALS, understand the mechanisms involved in the progression of the disease, and develop effective treatment, NOW, THEREFORE,

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

That May 2008 is recognized as “Amyotrophic Lateral Sclerosis Awareness Month” in the State of Florida.

—**SR 352** was introduced, read and adopted by publication.

At the request of Senator Peaden—

By Senator Peaden—

**SR 3004**—A resolution to encourage the Agency for Health Care Administration and the Department of Health to consider disease management of chronic obstructive pulmonary disease.

WHEREAS, chronic obstructive pulmonary disease (COPD), also known as chronic bronchitis and emphysema, is the fourth leading cause of death in the United States and unlike many diseases yielding to advances in medicine, COPD death rates are not declining but are the top five causes whose prevalence and death rate are rising, and

WHEREAS, COPD is a chronic progressive disease that impacts over 910,644 residents of Florida and affects 32 million persons in the United States, and

WHEREAS, the number of women dying from the disease has surpassed the number of men who have lost their lives to the disease, and

WHEREAS, the primary risk factor for COPD is smoking, approximately 80 to 90 percent of COPD deaths are caused by smoking, and female smokers are nearly 13 times as likely to die from COPD as women who have never smoked, and

WHEREAS, male smokers are nearly 12 times as likely to die from COPD as men who have never smoked, and

WHEREAS, other risk factors for COPD include air pollution, second-hand smoke, a history of childhood respiratory infections, and heredity, and

WHEREAS, the health care cost of COPD in Florida was \$948 million in 2002, and there were more than 51,482 hospitalizations due to the disease, an increase of 71.6 percent from 1992, and

WHEREAS, COPD is a primary cause of hospitalization among the aged population throughout the United States, and 65 percent of hospital discharges in 2005 were in the 65-years-or-older population, and

WHEREAS, the annual cost to the nation for COPD in 2007 was estimated to be approximately \$42.6 billion, including \$26.7 billion in direct health care expenditures, \$8 billion in indirect morbidity costs, and \$7.9 billion in indirect mortality costs, and

WHEREAS, early diagnosis and management of COPD can effectively reduce the overall financial burden of the illness within public programs, such as Medicaid, as well as in the private sector, and

WHEREAS, there is no cure for COPD, but proper management of the disease can lead to improved quality of life and self-sufficiency on the part of COPD patients cared for within public programs to slow the damage to the heart and lungs of such patients, NOW, THEREFORE,

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

That the Senate encourages the Agency for Health Care Administration and the Department of Health to consider disease management of chronic obstructive pulmonary disease in an effort to reduce the financial and clinical burden of COPD illness upon the Medicaid program and the residents of Florida.

—**SR 3004** was introduced, read and adopted by publication.

At the request of Senator Haridopolos—

By Senator Haridopolos—

**SR 3010**—A resolution recognizing and commending the People to People Student Ambassador Program.

WHEREAS, President Dwight D. Eisenhower believed that ordinary citizens of different nations, if able to communicate directly, would solve their differences and find a way to live in peace, and in 1956 he put those beliefs into action when he created the People to People Ambassador Program, and

WHEREAS, that year President Eisenhower called a special White House conference of American leaders, who joined him in creating the People to People initiative, and as a result the People to People mission developed around personal exchanges and firsthand experiences with other cultures, and

WHEREAS, beginning in 1963, the People to People Student Ambassador Program has sent thousands of young Americans across international borders and to areas within the continental United States to learn what it means to be a good neighbor and a global citizen, and

WHEREAS, following his participation in the 1964 People to People International White House conference, Walt Disney created the “It’s a Small World” attraction, which has introduced more than 250 million people to the concept that, despite our differences, our planet’s citizens all share the same core values, and

WHEREAS, as Student Ambassadors and governmental leaders travel under the banner of People to People, they represent the best of our country’s aspirations: hope, courage, openness, and a love of peace, and

WHEREAS, this summer approximately 3,000 students from the State of Florida will participate in the People to People Student Ambassador Program, helping to exemplify and realize President Eisenhower’s insight that “peaceful relations between nations require mutual respect between individuals,” and

WHEREAS, in President John F. Kennedy’s words, “the nature of People to People activities is as varied as the individuals involved. The housewife whose recipe contains the yeast of kindness, the soldier whose arms embrace homeless waifs, the doctor who heals with humility, all assert a single theme—the power of people, acting as individuals, to respond imaginatively to the world’s need for peace,” NOW, THEREFORE,

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

That the Florida Senate supports the vision and accomplishments of the People to People Student Ambassador Program and commends all those who have devoted time and effort to its success.

BE IT FURTHER RESOLVED that the Senate applauds the thousands of young Floridians who will serve as People to People Student Ambassadors during the coming summer and in the future.

—**SR 3010** was introduced, read and adopted by publication.

**BILLS ON THIRD READING**

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

**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; amending s. 110.171, F.S.; requiring each state agency to complete a telecommuting program by a specified date which includes a listing of the job classification and positions that the state agency considers appropriate for telecommuting; providing requirements for the telecommuting program; requiring each state agency to post the telecommuting program 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; 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.; 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; amending s. 196.012, F.S.; deleting the definition of the term "renewable energy source device" or "device"; amending s. 196.175, F.S.; providing no exemption shall be granted for renewable energy source devices installed before January 1, 2009; 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.; providing that the Board of Trustees of the Internal Improvement Trust Fund may delegate to the Secretary of Environmental Protection the authority to grant easements on its behalf under certain conditions; amending s. 253.034, F.S.; granting a utility the use of nonsovereignty 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. 366.91, 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 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 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 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. 403.502, 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.; 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; amending s. 553.901, F.S.; requiring the commission to adopt by rule a definition of the term "cost effective"; 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; 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 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.

—as amended April 16 and 17 was read the third time by title.

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

**Amendment 1 (177142)(with title amendment)**—Between lines 3405 and 3406 insert:

Section 58. Section 377.806, Florida Statutes, is amended to read:

377.806 Solar Energy System Incentives Program.—

(1) **PURPOSE.**—The Solar Energy System Incentives Program is established within the *commission department* to provide financial incentives for the purchase and installation of solar energy systems. Any resident of the state who purchases and installs a new solar energy system of 2 kilowatts or larger for a solar photovoltaic system, a solar energy system that provides at least 50 percent of a building's hot water consumption for a solar thermal system, or a solar thermal pool heater, from July 1, 2006, through June 30, 2010, is eligible for a rebate on a portion of the purchase price of that solar energy system.

(2) **SOLAR PHOTOVOLTAIC SYSTEM INCENTIVE.**—

(a) Eligibility requirements.—A solar photovoltaic system qualifies for a rebate if:

1. The system is installed by a state-licensed master electrician, electrical contractor, or solar contractor.

2. The system complies with state interconnection standards as provided by the *Florida Public Service Commission*.

3. The system complies with all applicable building codes as defined by the *Florida Building Code local jurisdictional authority*.

(b) Rebate amounts.—The rebate amount shall be set at \$4 per watt based on the total wattage rating of the system. The maximum allowable rebate per solar photovoltaic system installation shall be as follows:

1. Twenty thousand dollars for a residence.

2. One hundred thousand dollars for a place of business, a publicly owned or operated facility, or a facility owned or operated by a private, not-for-profit organization, including condominiums or apartment buildings.

(3) **SOLAR THERMAL SYSTEM INCENTIVE.**—

(a) Eligibility requirements.—A solar thermal system qualifies for a rebate if:

1. The system is installed by a state-licensed solar or plumbing contractor *for the installation of standing seam hybrid thermal roofs, a roofing contractor*.

2. The system complies with all applicable building codes as defined by the *Florida Building Code local jurisdictional authority*.

(b) Rebate amounts.—Authorized rebates for installation of solar thermal systems shall be as follows:

1. Five hundred dollars for a residence.

2. Fifteen dollars per 1,000 Btu up to a maximum of \$5,000 for a place of business, a publicly owned or operated facility, or a facility owned or operated by a private, not-for-profit organization, including condominiums or apartment buildings. ~~Btu must be verified by approved metering equipment.~~

(4) **SOLAR THERMAL POOL HEATER INCENTIVE.**—

(a) Eligibility requirements.—A solar thermal pool heater qualifies for a rebate if the system is installed by a state-licensed solar or plumbing contractor and the system complies with all applicable building codes as defined by the *Florida Building Code local jurisdictional authority*.

(b) Rebate amount.—Authorized rebates for installation of solar thermal pool heaters shall be \$100 per installation.

(5) **APPLICATION.**—Application for a rebate must be made within ~~120~~ 90 days after the purchase of the solar energy equipment.

(6) **REBATE AVAILABILITY.**—The *commission department* shall determine and publish on a regular basis the amount of rebate funds remaining in each fiscal year. The total dollar amount of all rebates issued ~~by the department~~ is subject to the total amount of appropriations in any fiscal year for this program. If funds are insufficient during the current fiscal year, any requests for rebates received during that fiscal year may be processed during the following fiscal year. Requests for rebates received in a fiscal year that are processed during the following fiscal year shall be given priority over requests for rebates received during the following fiscal year.

(7) **RULES.**—The *commission department* shall adopt rules pursuant to ss. 120.536(1) and 120.54 to develop rebate applications and administer the issuance of rebates.

And the title is amended as follows:

Delete lines 231-236 and insert: 377.806, F.S., conforming provisions relating to the Solar Energy System Incentives Program to changes made by this act; requiring all eligible systems under the program to comply with the Florida Building Code; revising rebate eligibility requirements for solar thermal systems to include the installation of certain products by roofing contractors; creating s.

## 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 by two-thirds vote:

**Amendment 2 (663556)**—Delete line(s) 6201-6281 and insert:

Section 108. Section 1004.648, Florida Statutes, is created to read:

1004.648 *Florida Energy Systems Consortium.*—

(1) *There is created the Florida Energy Systems Consortium to promote collaboration among 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 state universities as identified under s. 1000.21(6).

(4) The consortium shall be administered at the University of Florida by a director who shall be appointed by the President of the University of Florida.

(5) The director, whose office shall be located at the University of Florida, 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 or other appropriate representative appointed by the university president of each member of the consortium.

(7) 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 the 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 non-technical 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 steering committee shall consist of the university representatives included in the Centers of Excellence proposals for the Florida Energy Systems Consortium and the Center of Excellence in Ocean Energy Technology-Phase II which were reviewed during the 2007-2008 fiscal year by the Florida Technology, Research, and Scholarship Board created in s. 1004.226(4); a university representative appointed by the

President of Florida International University; and the Florida Energy and Climate Commission. The steering committee shall be responsible for establishing and ensuring the success of the consortium's mission under 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 and research related to, and the development and deployment of, alternative energy technologies.

**Amendment 3 (705786)**—Delete line(s) 3470-3551

**Amendment 4 (152886)**—Delete line(s) 5576-5581

**Amendment 5 (687322)(with title amendment)**—Between line(s) 5876 and 5877 insert:

Section 89. Section 526.06, Florida Statutes, is amended to read:

526.06 Mixing, blending, compounding, or adulteration of liquid fuels of same manufacturer prohibited; sale of gasoline blended with ethanol gasoline.—It is unlawful for any person to mix, blend, compound, or adulterate the liquid fuel, lubricating oil, grease, or similar product of a manufacturer or distributor with a liquid fuel, lubricating oil, grease, or similar product of the same manufacturer or distributor of a character or nature different from the character or nature of the liquid fuel, lubricating oil, grease, or similar product so mixed, blended, compounded, or adulterated, and expose for sale, offer for sale, or sell the same as the unadulterated product of such manufacturer or distributor or as the unadulterated product of any other manufacturer or distributor. However, nothing in this chapter shall be construed to prevent the lawful owner of such products from applying his, her, or its own trademark, trade name, or symbol to any product or material. Ethanol-blended ~~Alcohol-blended~~ fuels which contain 90 percent unleaded gasoline and up to 10 percent denatured ethanol by volume ~~ethyl alcohol of a minimum of 198 proof and a maximum 50 parts per million of acetic acid, commonly known as "gasohol,"~~ may be sold at retail service stations for use in motor vehicles, as long as the gasoline component complies with current state specifications, until the American Society for Testing and Materials approves specifications for gasohol. To provide retail service stations flexibility during the transition period to ethanol-blended fuels, the T50 and TV/L specifications for gasoline containing between 9 and 10 percent ethanol shall be applied to all gasoline containing between 1 and 10 percent ethanol by volume provided the last three or fewer deliveries contained between 9 and 10 percent ethanol by volume. If there is no reasonable availability of ethanol or the price of ethanol exceeds the price of gasoline, the T50 and TV/L specifications for gasoline containing between 9 and 10 percent ethanol shall be applicable for gasoline containing between 1 and 10 percent ethanol for up to three deliveries of fuel.

(Redesignate subsequent sections.)

And the title is amended as follows:

On line(s) 335, after the semicolon (;) insert: amending s. 526.06, F.S.; revising provisions for the sale of gasoline blended with ethanol; providing specifications for transitioning to ethanol-blended fuels;

**Amendment 6 (306282)**—Delete line(s) 6154-6176 and insert:

Section 101. Subsection (1) of section 553.909, Florida Statutes, is amended, subsections (3) and (4) are renumbered as subsections (6) and (7), respectively, and new subsections (3), (4), and (5) are added to that section, to read:

553.909 Setting requirements for appliances; exceptions.—

(1) The Florida Energy Efficiency Code for Building Construction shall set the minimum requirements for commercial or residential swimming pool pumps, swimming pool water heaters, and heat traps and thermostat settings for water heaters used to heat potable water sold for residential use. The code shall further establish the minimum acceptable standby loss for electric water heaters and the minimum recovery efficiency and standby loss for water heaters fueled by natural gas or liquefied petroleum gas.

(3) Commercial or residential swimming pool pumps or water heaters sold after July 1, 2011, shall comply with the requirements of this subsection. Natural gas pool heaters shall not be equipped with constantly burning pilots. Heat pump pool heaters shall have a coefficient of performance at low temperature of not less than 4.0. The thermal efficiency of gas-fired pool heaters and oil-fired pool heaters shall not be less than 78 percent. All pool heaters shall have a readily accessible on-off switch that is mounted outside the heater and that allows shutting off the heater without adjusting the thermostat setting.

(4) Pool pump motors shall not be split-phase, shaded-pole, or capacitor start-induction run types. Residential pool pumps and pool pumps motors with a total horsepower of 1 HP or more shall have the capability of operating at two or more speeds with a low speed having a rotation rate that is no more than one-half of the motor's maximum rotation rate. Residential pool pump motor controls shall have the capability of operating the pool pump at a minimum of two speeds. The default circulation speed shall be the residential filtration speed, with a higher speed override capability being for a temporary period not to exceed one normal cycle or 120 minutes, whichever is less. Except that circulation speed for solar pool heating systems shall be permitted to run at higher speeds during periods of usable solar heat gain.

(5) Portable electric spas standby power shall not be greater than  $5(V/3)$  watts where  $V$  = the total volume, in gallons, when spas are measured in accordance with the spa industry test protocol.

(6)(3) The Florida Energy Efficiency Code for Building Construction may include standards for other appliances and energy-using systems if they are determined by the department to have a significant impact on the energy use of the building and if they are cost-effective to the consumer.

(7)(4) If the provisions of this section are preempted in part by federal standards, those provisions not preempted shall apply.

**Amendment 7 (832500)**—Between line(s) 2043 and 2044 insert:

Section 30. Section 350.01, Florida Statutes, is amended to read:

350.01 Florida Public Service Commission; terms of commissioners; vacancies; election and duties of chair; quorum; proceedings.—

(1) The Florida Public Service Commission shall consist of five commissioners appointed pursuant to s. 350.031.

(2)(a) Each commissioner serving on July 1, 1978, shall be permitted to remain in office until the completion of his or her current term. Upon the expiration of the term, a successor shall be appointed in the manner prescribed by s. 350.031(5), (6), and (7) for a 4-year term, except that the terms of the initial members appointed under this act shall be as follows:

1. The vacancy created by the present term ending in January, 1981, shall be filled by appointment for a 4-year term and for 4-year terms thereafter; and

2. The vacancies created by the two present terms ending in January, 1979, shall be filled by appointment for a 3-year term and for 4-year terms thereafter.

(b) Two additional commissioners shall be appointed in the manner prescribed by s. 350.031(5), (6), and (7) for 4-year terms beginning the first Tuesday after the first Monday in January, 1979, and successors shall be appointed for 4-year terms thereafter with each term beginning on January 2 of the year the term commences and ending 4 years later on January 1.

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

(3) Any person serving on the commission who seeks to be appointed or reappointed shall file with the nominating council *no later than June 1 prior to the year in which his or her term expires* ~~at least 210 days before the expiration of his or her term~~ a statement that he or she desires to serve an additional term.

(4) One member of the commission shall be elected by majority vote to serve as chair for a term of 2 years, beginning *on January 1 of the first*

*year of the term with the first Tuesday after the first Monday in January 1979.* A member may not serve two consecutive terms as chair.

(5) The primary duty of the chair is to serve as chief administrative officer of the commission; however, the chair may participate in any proceedings pending before the commission when administrative duties and time permit. In order to distribute the workload and expedite the commission's calendar, the chair, in addition to other administrative duties, has authority to assign the various proceedings pending before the commission requiring hearings to two or more commissioners or to the commission's staff of hearing examiners under the supervision of the office of general counsel. Only those commissioners assigned to a proceeding requiring hearings are entitled to participate in the final decision of the commission as to that proceeding; provided, if only two commissioners are assigned to a proceeding requiring hearings and cannot agree on a final decision, the chair shall cast the deciding vote for final disposition of the proceeding. If more than two commissioners are assigned to any proceeding, a majority of the members assigned shall constitute a quorum and a majority vote of the members assigned shall be essential to final commission disposition of those proceedings requiring actual participation by the commissioners. If a commissioner becomes unavailable after assignment to a particular proceeding, the chair shall assign a substitute commissioner. In those proceedings assigned to a hearing examiner, following the conclusion of the hearings, the designated hearing examiner is responsible for preparing recommendations for final disposition by a majority vote of the commission. A petition for reconsideration shall be voted upon by those commissioners participating in the final disposition of the proceeding.

(6) A majority of the commissioners may determine that the full commission shall sit in any proceeding. The public counsel or a person regulated by the Public Service Commission and substantially affected by a proceeding may file a petition that the proceeding be assigned to the full commission. Within 15 days of receipt by the commission of any petition or application, the full commission shall dispose of such petition by majority vote and render a written decision thereon prior to assignment of less than the full commission to a proceeding. In disposing of such petition, the commission shall consider the overall general public interest and impact of the pending proceeding, including but not limited to the following criteria: the magnitude of a rate filing, including the number of customers affected and the total revenues requested; the services rendered to the affected public; the urgency of the requested action; the needs of the consuming public and the utility; value of service involved; the effect on consumer relations, regulatory policies, conservation, economy, competition, public health, and safety of the area involved. If the petition is denied, the commission shall set forth the grounds for denial.

(7) This section does not prohibit a commissioner, designated by the chair, from conducting a hearing as provided under ss. 120.569 and 120.57(1) and the rules of the commission adopted pursuant thereto.

Section 31. Section 350.012, Florida Statutes, is amended to read:

350.012 Committee on Public ~~Counsel Service Commission~~ Oversight; creation; membership; powers and duties.—

(1) There is created a standing joint committee of the Legislature, designated the Committee on Public ~~Counsel Service Commission~~ Oversight, and composed of 12 members appointed as follows: six members of the Senate appointed by the President of the Senate, two of whom must be members of the minority party; and six members of the House of Representatives appointed by the Speaker of the House of Representatives, two of whom must be members of the minority party. The terms of members shall be for 2 years and shall run from the organization of one Legislature to the organization of the next Legislature. The President shall appoint the chair of the committee in even-numbered years and the vice chair in odd-numbered years, and the Speaker of the House of Representatives shall appoint the chair of the committee in odd-numbered years and the vice chair in even-numbered years, from among the committee membership. Vacancies shall be filled in the same manner as the original appointment. Members shall serve without additional compensation, but shall be reimbursed for expenses.

(2) The committee shall:

~~(a) Recommend to the Governor nominees to fill a vacancy on the Public Service Commission, as provided by general law; and~~

(b) Appoint a Public Counsel as provided by general law.

(3) The committee is authorized to file a complaint with the Commission on Ethics alleging a violation of this chapter by a commissioner, former commissioner, former commission employee, or member of the Public Service Commission Nominating Council.

(4) The committee will not have a permanent staff, but the President of the Senate and the Speaker of the House of Representatives shall select staff members from among existing legislative staff, when and as needed.

Section 32. Subsections (1), (5), (6), (7), and (8) of section 350.031, Florida Statutes, are amended, and subsection (9) is added to that section, to read:

350.031 Florida Public Service Commission Nominating Council.—

(1)(a) There is created a Florida Public Service Commission Nominating Council consisting of ~~12~~ ~~nine~~ members. At least one member of the council must be 60 years of age or older. ~~Six~~ ~~Three~~ members, including ~~three members~~ ~~one member~~ of the House of Representatives, ~~one of whom shall be a member of the minority party~~, shall be appointed by and serve at the pleasure of the Speaker of the House of Representatives. ~~Six~~ ~~three~~ members, including ~~three members~~ ~~one member~~ of the Senate, ~~one of whom shall be a member of the minority party~~, shall be appointed by and serve at the pleasure of the President of the Senate; ~~and three members shall be selected and appointed by a majority vote of the other six members of the council.~~

(b) All terms shall be for 4 years except those members of the House and Senate, who shall serve 2-year terms concurrent with the 2-year elected terms of House members. *All terms of the members of the Public Service Commission Nominating Council existing on June 30, 2008, shall terminate upon the effective date of this act; however, such members may serve an additional term if reappointed by the Speaker of the House of Representatives or the President of the Senate. To establish staggered terms, appointments of members shall be made for initial terms to begin on July 1, 2008, with each appointing officer to appoint three legislator members, one of whom shall be a member of the minority party, to terms through the remainder of the 2-year elected terms of House members; one nonlegislator member to a 6-month term; one nonlegislator member to an 18-month term; and one nonlegislator member to a 42-month term. Thereafter, the terms of the nonlegislator members of the Public Service Commission Nominating Council shall begin on January 2 of the year the term commences and end 4 years later on January 1.*

(c) *The President of the Senate shall appoint the chair of the council in even-numbered years and the vice chair in odd-numbered years, and the Speaker of the House of Representatives shall appoint the chair of the council in odd-numbered years and the vice chair in even-numbered years, from among the council membership.*

(d) Vacancies on the council shall be filled for the unexpired portion of the term in the same manner as original appointments to the council. A member may not be reappointed to the council, except for a member of the House of Representatives or the Senate who may be appointed to two 2-year terms, *members who are reappointed pursuant to paragraph (b), or a person who is appointed to fill the remaining portion of an unexpired term.*

(5) A person may not be nominated to the ~~Governor for appointment to the Committee on Public Service Commission Oversight~~ until the council has determined that the person is competent and knowledgeable in one or more fields, which shall include, but not be limited to: public affairs, law, economics, accounting, engineering, finance, natural resource conservation, energy, or another field substantially related to the duties and functions of the commission. The commission shall fairly represent the above-stated fields. Recommendations of the council shall be nonpartisan.

(6) It is the responsibility of the council to nominate to the ~~Governor no fewer than three Committee on Public Service Commission Oversight~~ ~~six~~ persons for each vacancy occurring on the Public Service Commission. The council shall submit the recommendations to the ~~Governor by September 15~~ ~~committee by August 1~~ of those years in which the terms are to begin the following January, or within 60 days after a vacancy occurs for any reason other than the expiration of the term.

~~(7) The Committee on Public Service Commission Oversight shall select from the list of nominees provided by the nominating council three nominees for recommendation to the Governor for appointment to the commission. The recommendations must be provided to the Governor within 45 days after receipt of the list of nominees. The Governor shall fill a vacancy occurring on the Public Service Commission by appointment of one of the applicants nominated by the council committee only after a background investigation of such applicant has been conducted by the Florida Department of Law Enforcement. If the Governor has not made an appointment within 30 consecutive calendar days after the receipt of the recommendation, the council committee, by majority vote, shall appoint, within 30 days after the expiration of the Governor's time to make an appointment, one person from the applicants previously nominated to the Governor to fill the vacancy.~~

(8) Each appointment to the Public Service Commission shall be 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* ~~rejects~~ the Governor's appointment, the council shall initiate, in accordance with this section, the nominating process within 30 days.

*(9) When the Governor makes an appointment, to fill a vacancy occurring due to expiration of the term, and that appointment has not been confirmed by the Senate before the appointing Governor's term ends, a successor Governor may, within 30 days after taking office, recall the appointment and, prior to the first day of the next regular session, make a replacement appointment from the list provided to the previous Governor by the council. Such an appointment is subject to confirmation by the Senate at the next regular session following the creation of the vacancy to which the appointments are being made. If the replacement appointment is not timely made, or if the appointment is not confirmed by the Senate for any reason, the council, by majority vote, shall appoint, within 30 days after the Legislature adjourns sine die, one person from the applicants previously nominated to the Governor to fill the vacancy, and this appointee is subject to confirmation by the Senate during the next regular session following the appointment.*

(Redesignate subsequent subsections.)

**Amendment 8 (469850)(with title amendment)**—Between line(s) 6371 and 6372 insert:

Section 110. (1) *By July 1, 2009, the Agency for enterprise Information Technology shall define objective standards for:*

(a) *Measuring data center energy consumption and efficiency, including, but not limited to, airflow and cooling, power consumption and distribution, and environmental control systems in a data center facility.*

(b) *Calculating total cost of ownership of energy-efficient information technology products, including initial purchase, installation, ongoing operation and maintenance, and disposal costs over the life cycle of the product.*

(2) *State shared resource data centers and other data centers that the Agency for Enterprise Information Technology has determined will be recipients for consolidating data centers, which are designated by the Agency for Enterprise Information Technology, shall evaluate their data center facilities for energy efficiency using the standards established in this section.*

(a) *Results of these evaluations shall be reported to the Agency for Enterprise Information Technology, the President of the Senate, and the Speaker of the House of Representatives. Reports shall enable the tracking of energy performance over time and comparisons between facilities.*

(b) *By December 31, 2010, and bi-annually thereafter, the Agency for Enterprise Information Technology shall submit to the Legislature recommendations for reducing energy consumption and improving the energy efficiency of state data centers.*

(3) *The primary means of achieving maximum energy savings across all state data centers and computing facilities shall be the consolidation of data centers and computing facilities as determined by the Agency for Enterprise Information Technology. State data centers and computing facilities in the state data center system shall be established as an enterprise information technology service as defined in s. 282.0041. The Agency for Enterprise Information Technology shall make recommendations on consolidating state data centers and computing facilities, pursuant to s. 282.0056, by December 31, 2009.*

(4) When the total cost of ownership of an energy-efficient product is less than or equal to the cost of the existing data center facility or infrastructure, technical specifications for energy-efficient products should be incorporated in the plans and processes for replacing, upgrading, or expanding data center facilities or infrastructure, including, but not limited to, network, storage, or computer equipment and software.

(Redesignate subsequent sections.)

And the title is amended as follows:

Delete line(s) 445 after the semicolon (;) and insert: for certain commercial or residential appliances; requiring the Agency for Enterprise Information Technology to define specified objective standards and conduct evaluations relating to energy efficiency; requiring the agency to submit a report; providing report requirements; requiring the agency to submit specified recommendations; providing for the inclusion of specifications in certain plans and processes; creating s.

**Amendment 9 (746532)(with title amendments)**—Between line(s) 1608 and 1609 insert:

Section 23. (1) *The Legislature declares that there is an important state interest in promoting the construction of energy-efficient and sustainable buildings. Government leadership in promoting these standards is vital to demonstrate the state's commitment to energy conservation, saving taxpayers money, and raising public awareness of energy-rating systems.*

(2) *All county, municipal, school district, water management district, state university, community college, and Florida state court buildings shall be constructed to meet 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, the Florida Green Building Coalition standards, or a nationally recognized, high-performance green building rating system as approved by the Department of Management Services. This section shall apply to all county, municipal, school district, water management district, state university, community college, and Florida state court buildings the architectural plans of which are commenced after July 1, 2008.*

(3) *The Department of Education and the Department of Environmental Protection shall, in coordination with representatives of the business community, the environmental community, and the energy community, develop a program to provide awards or recognition for outstanding efforts or achievements concerning conservation, reductions in energy and water use, green cleaning solutions, green pest management, recycling efforts, and curriculum development that is consistent with efforts that enhance the quality of education while preserving the environment. Entities that are eligible for such an award or recognition include students, classes, teachers, schools, or district school boards. The Legislature encourages the Department of Education and the Department of Environmental Protection to form partnerships with the private sector to help fund the program.*

(Redesignate subsequent sections.)

And the title is amended as follows:

Delete line(s) 446 and insert: requiring the Department of Education and the Department of Environmental Protection to develop an awards or recognition program for outstanding efforts in conservation, energy and water use reduction, environmental enhancement, and conservation-related educational curriculum development; encouraging the departments to seek private sector funding for the program; providing an effective date.

**Amendment 10 (856316)(with title amendment)**—Between line(s) 1108 and 1109 insert:

Section 11. Subsection (2) of section 220.191, Florida Statutes, is amended to read:

220.191 Capital investment tax credit.—

(2)(a) An annual credit against the tax imposed by this chapter shall be granted to any qualifying business in an amount equal to 5 percent of the eligible capital costs generated by a qualifying project, for a period not to exceed 20 years beginning with the commencement of operations of the project. Unless assigned as described in this subsection, the tax credit shall be granted against only the corporate income tax liability or

the premium tax liability generated by or arising out of the qualifying project, and the sum of all tax credits provided pursuant to this section shall not exceed 100 percent of the eligible capital costs of the project. In no event may any credit granted under this section be carried forward or backward by any qualifying business with respect to a subsequent or prior year. The annual tax credit granted under this section shall not exceed the following percentages of the annual corporate income tax liability or the premium tax liability generated by or arising out of a qualifying project:

1.(a) One hundred percent for a qualifying project which results in a cumulative capital investment of at least \$100 million.

2.(b) Seventy-five percent for a qualifying project which results in a cumulative capital investment of at least \$50 million but less than \$100 million.

3.(c) Fifty percent for a qualifying project which results in a cumulative capital investment of at least \$25 million but less than \$50 million.

(b) A qualifying project which results in a cumulative capital investment of less than \$25 million is not eligible for the capital investment tax credit. An insurance company claiming a credit against premium tax liability under this program shall not be required to pay any additional retaliatory tax levied pursuant to s. 624.5091 as a result of claiming such credit. Because credits under this section are available to an insurance company, s. 624.5091 does not limit such credit in any manner.

(c) A qualifying business that establishes a qualifying project that includes locating a new solar panel manufacturing facility in this state that generates a minimum of 400 jobs within 6 months after commencement of operations with an average salary of at least \$50,000 may assign or transfer the annual credit, or any portion thereof, granted under this section to any other business. However, the amount of the tax credit that may be transferred in any year shall be the lesser of the qualifying business's state corporate income tax liability for that year, as limited by the percentages applicable under paragraph (a) and as calculated prior to taking any credit pursuant to this section, or the credit amount granted for that year. A business receiving the transferred or assigned credits may use the credits only in the year received, and the credits may not be carried forward or backward. To perfect the transfer, the transferor shall provide the department with a written transfer statement notifying the department of the transferor's intent to transfer the tax credits to the transferee; the date the transfer is effective; the transferee's name, address, and federal taxpayer identification number; the tax period; and the amount of tax credits to be transferred. The department shall, upon receipt of a transfer statement conforming to the requirements of this paragraph, provide the transferee with a certificate reflecting the tax credit amounts transferred. A copy of the certificate must be attached to each tax return for which the transferee seeks to apply such tax credits.

(Redesignate subsequent sections.)

And the title is amended as follows:

Delete line(s) 51 and insert: claiming a tax exemption; amending s. 220.191, F.S.; providing that certain qualifying projects are eligible to transfer capital investment tax credits to other businesses under certain circumstances; providing limitations on the use of such transferred credits; specifying requirements for such transfers; amending s. 220.192, F.S.;

**Amendment 11 (464752)(with title amendment)**—Between line(s) 1869 and 1870 insert:

Section 28. Section 316.0741, Florida Statutes, is amended to read:

316.0741 *High-occupancy-vehicle* ~~High-occupancy vehicle~~ lanes.—

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

(a) *“High-occupancy-vehicle”* ~~“High-occupancy vehicle lane”~~ or *“HOV lane”* means a lane of a public roadway designated for use by vehicles in which there is more than one occupant unless otherwise authorized by federal law.

(b) *“Hybrid vehicle”* means a motor vehicle that:

1. *Draws propulsion energy from an onboard source of stored energy comprised of both an internal combustion or heat engine using combustible fuel and a rechargeable energy-storage system; and*

2. *In the case of a passenger automobile or light truck, has received a certificate of conformity under the Clean Air Act, 42 U.S.C. ss. 7401 et seq., and meets or exceeds the equivalent qualifying California standards for a low-emission vehicle.*

(2) The number of persons ~~that~~ must be in a vehicle to qualify for legal use of the HOV lane and the hours during which the lane will serve as an HOV lane, if it is not designated as such on a full-time basis, must also be indicated on a traffic control device.

(3) *Except as provided in subsection (4), a vehicle may not be driven in an HOV lane if the vehicle is occupied by fewer than the number of occupants indicated by a traffic control device. A driver who violates this section shall be cited for a moving violation, punishable as provided in chapter 318.*

(4)(a) Notwithstanding any other provision of this section, an inherently low-emission vehicle (ILEV) that is certified and labeled in accordance with federal regulations may be driven in an HOV lane at any time, regardless of its occupancy. In addition, upon the state's receipt of written notice from the proper federal regulatory agency authorizing such use, a vehicle defined as a hybrid vehicle under this section may be driven in an HOV lane at any time, regardless of its occupancy.

(b) *All eligible hybrid and other low-emission and energy-efficient vehicles driven in an HOV lane must comply with the minimum fuel economy standards in 23 U.S.C. s. 166(f)(3)(B).*

(c) *Upon its effective date, the eligibility of hybrid and other low-emission and energy-efficient vehicles for operation in an HOV lane regardless of occupancy shall be determined in accordance with the applicable final rule issued by the United States Environmental Protection Agency pursuant to 23 U.S.C. s. 166(e).*

(5) The department shall issue a decal and registration certificate, to be renewed annually, reflecting the HOV lane designation on ~~such~~ vehicles *meeting the criteria in subsection (4) authorizing driving in an HOV lane at any time such use.* The department may charge a fee for a decal, not to exceed the costs of designing, producing, and distributing each decal, or \$5, whichever is less. The proceeds from sale of the decals shall be deposited in the Highway Safety Operating Trust Fund. *The department may, for reasons of operation and management of HOV facilities, limit or discontinue issuance of decals for the use of HOV facilities by hybrid and low-emission and energy-efficient vehicles regardless of occupancy if it has been determined by the Department of Transportation that the facilities are degraded as defined by 23 U.S.C. s. 166(d)(2).*

(6) *Vehicles having decals by virtue of compliance with the minimum fuel economy standards in 23 U.S.C. s. 166(f)(3)(B) and that are registered for use in high-occupancy-vehicle toll lanes or express lanes in accordance with Department of Transportation rule shall be allowed to use any HOV lane redesignated as a high-occupancy-vehicle toll lane without requiring payment of the toll.*

~~(5) As used in this section, the term "hybrid vehicle" means a motor vehicle:~~

~~(a) That draws propulsion energy from onboard sources of stored energy which are both:~~

- ~~1. An internal combustion or heat engine using combustible fuel; and~~
- ~~2. A rechargeable energy storage system; and~~

~~(b) That, in the case of a passenger automobile or light truck:~~

- ~~1. Has received a certificate of conformity under the Clean Air Act, 42 U.S.C. ss. 7401 et seq.; and~~
- ~~2. Meets or exceeds the equivalent qualifying California standards for a low-emission vehicle.~~

~~(7)(6) The department may adopt rules necessary to administer this section.~~

And the title is amended as follows:

On line(s) 145 after the semicolon (;) insert: amending s. 316.0741, F.S.; defining "high-occupancy vehicle" and "hybrid vehicle"; providing that such vehicles driven in an HOV lane must comply with certain

minimum fuel economy standards; exempting certain vehicles from paying highway tolls;

**Amendment 12 (849498)**—Delete line(s) 2044-2195 and insert:

Section 30. Section 366.82, Florida Statutes, is amended to read:

366.82 Definition; goals; plans; programs; annual reports; energy audits.—

(1) For the purposes of ss. 366.80-366.85 and 403.519:;

(a) "Utility" means any person or entity of whatever form which provides electricity or natural gas at retail to the public, specifically including municipalities or instrumentalities thereof and cooperatives organized under the Rural Electric Cooperative Law and specifically excluding any municipality or instrumentality thereof, any cooperative organized under the Rural Electric Cooperative Law, or any other person or entity providing natural gas at retail to the public whose annual sales volume is less than 100 million therms or any municipality or instrumentality thereof and any cooperative organized under the Rural Electric Cooperative Law providing electricity at retail to the public whose annual sales as of July 1, 1993, to end-use customers is less than 2,000 gigawatt hours.

(b) "Demand-side renewable energy" means a system located on a customer's premises generating thermal or electric energy using Florida renewable energy resources and primarily intended to offset all or part of the customer's electricity requirements provided such system does not exceed 2 megawatts.

(2) The commission shall adopt appropriate goals for increasing the efficiency of energy consumption and increasing the development of ~~demand-side renewable energy systems cogeneration~~, specifically including goals designed to increase the conservation of expensive resources, such as petroleum fuels, to reduce and control the growth rates of electric consumption, and to reduce the growth rates of weather-sensitive peak demand, and to encourage development of demand-side renewable energy resources. *The commission may allow efficiency investments across generation, transmission, and distribution as well as efficiencies within the user base. The Executive Office of the Governor shall be a party in the proceedings to adopt goals. The commission may change the goals for reasonable cause. The time period to review the goals, however, shall not exceed 5 years. After the programs and plans to meet those goals are completed, the commission shall determine what further goals, programs, or plans are warranted and, if so, shall adopt them.*

(3) *In developing the goals, the commission shall evaluate the full technical potential of all available demand-side and supply-side conservation and efficiency measures, including demand-side renewable energy systems. In establishing the goals, the commission shall take into consideration:*

(a) *The costs and benefits to customers participating in the measure.*

(b) *The costs and benefits to the general body of ratepayers as a whole, including utility incentives and participant contributions.*

(c) *The need for incentives to promote both customer-owned and utility-owned energy efficiency and demand-side renewable energy systems.*

(d) *The costs imposed by state and federal regulations on the emission of greenhouse gases.*

(4) *Subject to specific appropriation, the commission may expend up to \$250,000 from the Florida Public Service Regulatory Trust Fund to obtain needed technical consulting assistance.*

(5) *The Florida Energy and Climate Commission shall be a party in the proceedings to adopt goals and shall file with the commission comments on the proposed goals, including, but not limited to:*

(a) *An evaluation of utility load forecasts, including an assessment of alternative supply-side and demand-side resource options.*

(b) *An analysis of various policy options that can be implemented to achieve a least-cost strategy, including nonutility programs targeted at reducing and controlling the per capita use of electricity in the state.*

(c) *An analysis of the impact of state and local building codes and appliance efficiency standards on the need for utility-sponsored conservation and energy efficiency measures and programs.*

(6) *The commission may change the goals for reasonable cause. The time period to review the goals, however, shall not exceed 5 years. After the programs and plans to meet those goals are completed, the commission shall determine what further goals, programs, or plans are warranted and adopt them.*

(7)(3) Following adoption of goals pursuant to ~~subsections~~ ~~subsection~~ (2) and (3), the commission shall require each utility to develop plans and programs to meet the overall goals within its service area. *The commission may require modifications or additions to a utility's plans and programs at any time it is in the public interest consistent with this act. In approving plans and programs for cost recovery, the commission shall have the flexibility to modify or deny plans or programs that would have an undue impact on the costs passed on to customers.* If any plan or program includes loans, collection of loans, or similar banking functions by a utility and the plan is approved by the commission, the utility shall perform such functions, notwithstanding any other provision of the law. ~~The commission may pledge up to \$5 million of the Florida Public Service Regulatory Trust Fund to guarantee such loans.~~ However, no utility shall be required to loan its funds for the purpose of purchasing or otherwise acquiring conservation measures or devices, but nothing herein shall prohibit or impair the administration or implementation of a utility plan as submitted by a utility and approved by the commission under this subsection. If the commission disapproves a plan, it shall specify the reasons for disapproval, and the utility whose plan is disapproved shall resubmit its modified plan within 30 days. Prior approval by the commission shall be required to modify or discontinue a plan, or part thereof, which has been approved. If any utility has not implemented its programs and is not substantially in compliance with the provisions of its approved plan at any time, the commission shall adopt programs required for that utility to achieve the overall goals. Utility programs may include variations in rate design, load control, cogeneration, residential energy conservation subsidy, or any other measure within the jurisdiction of the commission which the commission finds likely to be effective; this provision shall not be construed to preclude these measures in any plan or program.

(8) *The commission may authorize financial rewards for those utilities over which it has rate-setting authority that exceed their goals and may authorize financial penalties for those utilities that fail to meet their goals, including, but not limited to, the sharing of generation, transmission, and distribution cost savings associated with conservation, energy efficiency, and demand-side renewable energy systems additions.*

(9) *The commission is authorized to allow an investor-owned electric utility an additional return on equity of up to 50 basis points for exceeding 20 percent of their annual load-growth through energy efficiency and conservation measures. The additional return on equity shall be established by the commission through a limited proceeding.*

(10)(4) The commission shall require periodic reports from each utility and shall provide the Legislature and the Governor with an annual report by March 1 of the goals it has adopted and its progress toward meeting those goals. The commission shall also consider the performance of each utility pursuant to ss. 366.80-366.85 and 403.519 when establishing rates for those utilities over which the commission has ratesetting authority.

(11)(5) The commission shall require each utility to offer, or to contract to offer, energy audits to its residential customers. This requirement need not be uniform, but may be based on such factors as level of usage, geographic location, or any other reasonable criterion, so long as all eligible customers are notified. The commission may extend this requirement to some or all commercial customers. The commission shall set the charge for audits by rule, not to exceed the actual cost, and may describe by rule the general form and content of an audit. In the event one utility contracts with another utility to perform audits for it, the utility for which the audits are performed shall pay the contracting utility the reasonable cost of performing the audits. Each utility over which the commission has ratesetting authority shall estimate its costs and revenues for audits, conservation programs, and implementation of its plan for the immediately following 6-month period. Reasonable and prudent unreimbursed costs projected to be incurred, or any portion of such costs, may be added to the rates which would otherwise be charged

by a utility upon approval by the commission, provided that the commission shall not allow the recovery of the cost of any company image-enhancing advertising or of any advertising not directly related to an approved conservation program. Following each 6-month period, each utility shall report the actual results for that period to the commission, and the difference, if any, between actual and projected results shall be taken into account in succeeding periods. The state plan as submitted for consideration under the National Energy Conservation Policy Act shall not be in conflict with any state law or regulation.

(12)(6)(a) Notwithstanding the provisions of s. 377.703, the commission shall be the responsible state agency for performing, coordinating, implementing, or administering the functions of the state plan submitted for consideration under the National Energy Conservation Policy Act and any acts amendatory thereof or supplemental thereto and for performing, coordinating, implementing, or administering the functions of any future federal program delegated to the state which relates to consumption, utilization, or conservation of electricity or natural gas; and the commission shall have exclusive responsibility for preparing all reports, information, analyses, recommendations, and materials related to consumption, utilization, or conservation of electrical energy which are required or authorized by s. 377.703.

~~(b) The Executive Office of the Governor shall be a party in the proceedings to adopt goals and shall file with the commission comments on the proposed goals including, but not limited to:~~

~~1.—An evaluation of utility load forecasts, including an assessment of alternative supply and demand side resource options.~~

~~2.—An analysis of various policy options which can be implemented to achieve a least cost strategy.~~

(13)(7) The commission shall establish all minimum requirements for energy auditors used by each utility. The commission is authorized to contract with any public agency or other person to provide any training, testing, evaluation, or other step necessary to fulfill the provisions of this subsection.

**Amendment 13 (212736)**—Delete line(s) 1260-1304 and insert: *appurtenances which are approved by the Secretary of Environmental Protection pursuant to the authority delegated by the board of trustees shall meet the following criteria:*

1. *Such easements shall not prevent the use of the state-owned uplands adjacent to the easement area for the purposes for which such lands were acquired and shall not unreasonably diminish the ecological, conservation, or recreational values of the state-owned uplands adjacent to the easement area.*

2. *There is no practical and prudent alternative to locating the linear facility and related appurtenances on state-owned upland. For purposes of this subparagraph, the test of practicality and prudence shall compare the social, economic, and environmental effects of the alternatives.*

3. *Appropriate steps are taken to minimize the impacts to state-owned uplands. Such steps may include:*

a. *Siting of facilities so as to reduce impacts and minimize fragmentation of the overall state-owned parcel;*

b. *Avoiding significant wildlife habitat, wetlands, or other valuable natural resources to the maximum extent practicable; or*

c. *Avoiding interference with active land management practices, such as prescribed burning.*

4. *Except for easements granted as a part of a land exchange to accomplish a recreational or conservation benefit or other public purpose, in exchange for such easements, the grantee pays an amount equal to the market value of the interest acquired. In addition, for the initial grant of such easements only, the grantee shall provide additional compensation by vesting in the board of trustees fee simple title to other available uplands that are 1.5 times the size of the easement acquired by the grantee. The Secretary of Environmental Protection shall approve the property to be acquired on behalf of the board of trustees based on the geographic location in relation to the land proposed to be under easement and a determination that economic, ecological, and recreational value is at least equivalent to the value of the lands under proposed easement.*

Priority for replacement uplands shall be given to parcels identified as in-holdings and additions to public lands and lands on a Florida Forever land acquisition list. However, if suitable replacement uplands cannot be identified, the grantee shall provide additional compensation for the initial grant of such easements only by paying to the department an amount equal to 2 times the current market value of the state-owned land or the highest and best use value at the time of purchase, whichever is greater. When determining such use of funds, priority shall be given to parcels identified as in-holdings and additions to public lands and lands on a Florida Forever land acquisition list.

(c) Where authority to approve easements for rights-of-way over, across, and upon uplands the title to which is vested in the board of trustees for the construction and operation of electric transmission and distribution facilities and related appurtenances has not been delegated to the Secretary of Environmental Protection, the board of trustees shall apply the same criteria and require the same compensation as provided above, provided, however, the board of trustees shall have the discretion to determine the amount of replacement lands required within a range of from one to two times the size of the easement acquired by the grantee, depending upon the degree to which the proposed use of the easement will interfere with the manner in which the lands within the proposed easement area have historically been managed.

**Amendment 14 (251802)**—Delete line(s) 6019-6153 and insert:

Section 94. Section 553.9061, Florida Statutes, is created to read:

553.9061 *Scheduled increases in thermal efficiency standards.*—

(1) *The purpose of this section is to establish a schedule of increases in the energy performance of buildings subject to the Florida Energy Efficiency Code for Building Construction. The Florida Building Commission shall:*

(a) *Include the necessary provisions by the 2010 edition of the Florida Energy Efficiency Code for Building Construction to increase the energy performance of new buildings by at least 20 percent as compared to the energy efficiency provisions of the 2007 Florida Building Code adopted October 31, 2007.*

(b) *Increase energy efficiency requirements by the 2013 edition of the Florida Energy Efficiency Code for Building Construction by at least 30 percent as compared to the energy efficiency provisions of the 2007 Florida Building Code adopted October 31, 2007.*

(c) *Increase energy efficiency requirements by the 2016 edition of the Florida Energy Efficiency Code for Building Construction by at least 40 percent as compared to the energy efficiency provisions of the 2007 Florida Building Code adopted October 31, 2007.*

(d) *Increase energy efficiency requirements by the 2019 edition of the Florida Energy Efficiency Code for Building Construction by at least 50 percent as compared to the energy efficiency provisions of the 2007 Florida Building Code adopted October 31, 2007.*

(2) *The Florida Building Commission shall identify within code support and compliance documentation the specific building options and elements available to meet the energy performance goals established in subsection (1). Energy-efficiency performance options and elements include, but are not limited to:*

- (a) *Solar water heating.*
- (b) *Energy-efficient appliances.*
- (c) *Energy-efficient windows, doors, and skylights.*
- (d) *Low solar-absorption roofs, also known as “cool roofs.”*
- (e) *Enhanced ceiling and wall insulation.*
- (f) *Reduced-leak duct systems.*
- (g) *Programmable thermostats.*
- (h) *Energy-efficient lighting systems.*

(3) *The Florida Building Commission shall, prior to implementing the goals established in subsection (1), adopt by rule and implement a*

*cost-effectiveness test for proposed increases in energy efficiency. The cost-effectiveness test shall measure cost-effectiveness and shall ensure that energy efficiency increases result in a positive net financial impact.*

**Amendment 15 (903066)**—Between line(s) 2318 and 2319 insert:

(8) *Under the provisions of subsections (5) and (6), when a utility purchases power generated from biogas produced by the anaerobic digestion of agricultural waste, including food waste or other agricultural byproducts, net metering shall be available at a single metering point or as a part of conjunctive billing of multiple points for a customer at a single location, so long as the provision of such service and its associated charges, terms, and other conditions are not reasonably projected to result in higher cost electric service to the utility’s general body of ratepayers or adversely affect the adequacy or reliability of electric service to all customers, as determined by the commission for public utilities, or as determined by the governing authority of the municipal electric utility or rural electric cooperative that serves at retail.*

**Amendment 16 (250992)**—Between line(s) 2043 and 2044 insert:

Section 30. Subsection (7) is added to section 366.04, Florida Statutes, to read:

366.04 *Jurisdiction of commission.*—

(7)(a) *As used in this subsection, the term “affected municipal electric utility” means a municipality that operates an electric utility that:*

1. *Serves two cities in the same county;*
2. *Is located in a noncharter county;*
3. *Has between 30,000 and 35,000 retail electric customers as of September 30, 2007; and*
4. *Does not have a service territory that extends beyond its home county as of September 30, 2007.*

(b) *Each affected municipal electric utility shall conduct a referendum election of all of its retail electric customers, with each named retail electric customer having one vote, concurrent with the next regularly scheduled general election following the effective date of this act.*

(c) *The ballot for the referendum election required under paragraph (b) shall contain the following question: “Should a separate electric utility authority be created to operate the business of the electric utility in the affected municipal electric utility?” The statement shall be followed by the word “yes” and the word “no.”*

(d) *The provisions of the Election Code relating to notice and conduct of the election shall be followed to the extent practicable. Costs of the referendum election shall be borne by the affected municipal electric utility.*

(e) *If a majority of the affected municipal electric utility’s retail electric customers vote in favor of creating a separate electric utility authority, the affected municipal electric utility shall, no later than January 15, 2009, provide to each member of the Legislature whose district includes any portion of the electric service territory of the affected municipal electric utility a proposed charter that transfers operations of its electric, water, and sewer utility businesses to a duly-created authority, the governing board of which shall proportionally represent the number of county and city ratepayers of the electric utility.*

**Amendment 17 (394682)**—Between line(s) 5590 and 5591 insert:

Section 87. Section 403.7032, Florida Statutes, is created to read

403.7032 *Recycling.*—

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

(2) By the year 2020, the long-term goal for the recycling efforts of state and local governmental entities, private companies and organizations, and the general public is to reduce the amount of recyclable solid waste disposed of in waste management facilities, landfills, or incineration facilities by a statewide average of at least 75 percent. However, any solid waste used for the production of renewable energy shall count toward the long term recycling goal as set forth in this section.

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

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

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

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

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

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

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

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

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

Section 88. Section 403.7033, Florida Statutes, is created to read:

**403.7033 Departmental analysis of particular recyclable materials.**—The Legislature finds that prudent regulation of recyclable materials is crucial to the ongoing welfare of Florida's ecology and economy. As such, the Department of Environmental Protection shall undertake an analysis of the need for new or different regulation of auxiliary containers, wrappings, or disposable plastic bags used by consumers to carry products from retail establishments. The analysis shall include input from state and local government agencies, stakeholders, private businesses, and citizens, and shall evaluate the efficacy and necessity of both statewide and local regulation of these materials. To ensure consistent and effective implementation, the department shall submit a report with conclusions and recommendations to the Legislature no later than February 1, 2010. Until such time that the Legislature adopts the recommendations of the department, no local government, local governmental agency, or state government agency may enact any rule, regulation, or ordinance regarding use, disposition, sale, prohibition, restriction, or tax of such auxiliary containers, wrappings, or disposable plastic bags.

Section 89. 403.706 Local government solid waste responsibilities.—

(2)(a) Each county shall implement a recyclable materials recycling program. Counties and municipalities are encouraged to form cooperative arrangements for implementing recycling programs.

(b) Such programs shall be designed to recover a significant portion of at least four of the following materials from the solid waste stream prior to final disposal at a solid waste disposal facility and to offer these materials for recycling: newspaper, aluminum cans, steel cans, glass, plastic bottles, cardboard, office paper, and yard trash. Local governments which operate permitted waste-to-energy facilities may retrieve ferrous and nonferrous metal as a byproduct of combustion.

(c) Local governments are encouraged to separate all plastics, metal, and all grades of paper for recycling prior to final disposal and are further encouraged to recycle yard trash and other mechanically treated solid waste into compost available for agricultural and other acceptable uses.

(d) By July 1, 2010, each county shall develop and implement a plan to achieve a goal to compost ~~is encouraged to consider plans for composting or mulching~~ of organic materials that would otherwise be disposed of in a landfill. The goal shall provide that up to 10 percent and no less than 5 percent of organic material would be composted within the county and the municipalities within its boundaries. The department may reduce or modify the compost goal if the county demonstrates to the department that achievement of the goal would be impractical given the county's unique demographic, urban density, or inability to separate normally compostable material from the solid waste stream. The composting plan ~~is or mulching plans are~~ encouraged to address partnership with the private sector.

(e) Each county is encouraged to consider plans for mulching organic materials that would otherwise be disposed of in a landfill. The mulching plans are encouraged to address partnership with the private sector.

**Amendment 18 (538002)**—Between line(s) 6371 and 6372 insert:

Section 110. *Motor vehicle emissions standards.*—If the Department of Environmental Protection proposes to adopt the California motor vehicle emission standards, such standards shall not be implemented until ratified by the Legislature. If the department proposes to modify its rule adopting the California motor vehicle emission standards, such rule modifications shall not be implemented until ratified by the Legislature.

On motion by Senator Saunders, further consideration of **CS for CS for CS for SB 1544** as amended was deferred.

Consideration of **CS for CS for CS for CS for SB 560** and **CS for SB 1300** was deferred.

**CS for SB 1604**—A bill to be entitled An act relating to designations of state facilities; designating the Major Claude A. Gnann Memorial Highway and the Deputy Wayne Koester Memorial Highway in Lake County; designating Lt. Colonel Robert T. Heagy, Jr., Memorial Highway in Marion County; designating Cutler Bay Boulevard, Palmetto Bay Boulevard, American Legion Way, Honorable Robert B. Ingram, Ph.D., Boulevard, Father Emilio Vallina Avenue, and Bishop Victor Tyrone Curry Boulevard in Miami-Dade County; designating United States Army Specialist Brandon Tyler Thorsen Memorial Highway in Levy County; designating John E. Andrews Boulevard, George Matthews Boulevard, Angela Webb Hammonds Boulevard, Willie F. Faust Boulevard, and James H. Argrett, Sr., Avenue in Duval County; designating Veteran's Memorial Parkway in Sarasota County; designating a bridge in the city of Sarasota as Gil Waters Bridge; designating Raquel Regalado Avenue in Miami-Dade County; directing the Department of Transportation to erect suitable markers; designating the Joseph P. Bertrand Building in Fort Myers; authorizing the Department of Management Services to erect suitable markers; designating Reverend Dr. C.P. Preston, Jr. Street in Miami-Dade County; authorizing the Department of Transportation to erect suitable markers; amending s. 589.19, F.S.; designating the state forest in Seminole County as the Charles H. Bronson State Forest; designating Rolando Encinosa Road, Henry Levy Boulevard, Manuel Feijoo Avenue, All-America Parkway, Katherine Fernandez Rundle Avenue, Judy Drucker Boulevard, Will James Johnson Road, Martha Flores Way, and Rabbi Barry Tabachnikoff Avenue in Miami-Dade County; directing the Department of Transportation to erect suitable markers; authorizing certain alterations of Old Cutler Road in the Village of Palmetto Bay; requiring the official approval of the Department of State before any alterations may begin; providing an effective date.

—as amended April 28 was read the third time by title.

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

**Amendment 1 (339300)(with title amendment)**—Delete line(s) 242 and insert:

Section 23. *Henri Levy Boulevard designated; Department of*

And the title is amended as follows:

Delete line(s) 27 and insert: Rolando Encinosa Road, Henri Levy Boulevard, Manuel Feijoo

On motion by Senator Baker, further consideration of **CS for SB 1604** as amended was deferred.

Consideration of **CS for CS for SB 2080** was deferred.

**SB 2400**—A bill to be entitled An act relating to abortion; amending s. 390.0111, F.S.; requiring that an ultrasound be performed on any woman obtaining an abortion; specifying who must perform an ultrasound; requiring that the ultrasound be reviewed with the patient prior to the woman giving informed consent; specifying who must review the ultrasound with the patient; requiring that the woman certify in writing that she declined to review the ultrasound and did so of her own free will and without undue influence; providing an exemption from the requirement to view the ultrasound for women who are the victims of rape, incest, domestic violence, or human trafficking or for women who have a serious medical condition necessitating the abortion; revising requirements for written materials; amending s. 390.012, F.S.; conforming cross-references; requiring ultrasounds for all patients; requiring that live ultrasound images be reviewed and explained to the patient; requiring that all other provisions in s. 390.0111, F.S., be complied with if the patient declines to view her live ultrasound images; providing for severability; providing an effective date.

—was read the third time by title.

On motion by Senator Webster, **SB 2400** failed to pass. The vote was:

Yeas—20

Mr. President	Diaz de la Portilla	Posey
Alexander	Fasano	Siplin
Atwater	Gaetz	Storms
Baker	Garcia	Villalobos
Constantine	Haridopolos	Webster
Crist	Oelrich	Wise
Dean	Peadar	

Nays—20

Aronberg	Geller	Lynn
Bennett	Hill	Margolis
Bullard	Jones	Rich
Carlton	Joyner	Ring
Dawson	Justice	Saunders
Deutch	King	Wilson
Dockery	Lawson	

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; amending s. 110.171, F.S.; requiring each state agency to complete a telecommuting program by a specified date which includes a listing of the job classification and positions that the state agency considers appropriate for telecommuting; providing requirements for the telecommuting program; requiring each state agency to post the telecommuting program 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; 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.; 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; amending s. 196.012, F.S.; deleting the definition of the term "renewable energy source device" or "device"; amending s. 196.175, F.S.; providing no exemption shall be granted for renewable energy source devices installed before January 1, 2009; 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.; providing that the Board of Trustees of the Internal Improvement Trust Fund may delegate to the Secretary of Environmental Protection the authority to grant easements on its behalf under certain conditions; amending s. 253.034, F.S.; granting a utility the use of nonsovereignty 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. 366.91, 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 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 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 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. 403.502, 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.; 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; amending s. 553.901, F.S.; requiring the commission to adopt by rule a definition of the term “cost effective”; 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; 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 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 this day.

Pending further consideration of **CS for CS for CS for SB 1544** as amended, on motion by Senator Saunders, by two-thirds vote **HB 7135** was withdrawn from the Committees on Environmental Preservation and Conservation; Communications and Public Utilities; and General Government Appropriations.

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

**HB 7135**—A bill to be entitled An act relating to energy; amending s. 74.051, F.S.; providing that it is the intent of the Legislature for a court, when practicable, to conduct a hearing and issue an order on a petition for a taking within a specified time; amending s. 110.171, F.S.; requiring each state agency to complete a telecommuting program by a specified date which includes a listing of the job classifications and positions that the state agency considers appropriate for telecommuting; providing requirements for the telecommuting program; requiring each state agency to post the telecommuting program on its Internet website; amending s. 163.04, F.S.; clarifying that condominium declarations may not prohibit renewable energy devices; removes three-story height restriction for installation of solar collectors on condominiums; 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 to energy and global climate change; amending s. 187.201, F.S.; expanding the air quality, energy, and land use goals of the State Comprehensive Plan to include the development of low-carbon-emitting electric power plants, the reduction of atmospheric carbon dioxide, the promotion of the use and development of renewable energy resources, and provide for the siting of low carbon emitting electric power plants, including nuclear plants; amending ss. 196.012 and 196.175, F.S.; deleting outdated, obsolete language; removing the expiration date of the property tax exemption for real property on which a renewable energy source device is installed and revising the options for calculating the amount of the exemption; amending s. 206.43, F.S.; requiring each terminal supplier, importer, blender, and wholesaler to provide in a report to the Department of Revenue the number of gallons of blended and unblended gasoline sold; amending s. 212.08, F.S.; revising the definition of “ethanol”; specifying eligible items as limited to one refund; requiring a person who receives a refund to notify a subsequent purchaser of such refund; transferring certain duties and responsibilities from the Department of Environmental Protection to the Florida Energy and Climate Commission; requiring the Florida Energy and Climate Commission to adopt, by rule, an application form for claiming a tax exemption; amending s. 220.191, F.S.; providing that certain qualifying projects are eligible to transfer capital investment tax credits to other businesses under certain circumstances; providing limitations on the use of such transferred credits; specifying requirements for such transfers; amending s. 220.192, F.S.; defining terms related to a tax credit; allowing the tax credit to be transferred for a specified period; providing procedures and requirements; requiring the Department of Revenue to adopt rules for implementation and administration of the program; transferring certain duties and responsibilities from the Department of Environmental Protection to the Florida Energy and Climate Commission; amending s.

220.193, F.S.; defining the terms “sale” or “sold”; defining the term “taxpayer”; providing for retroactivity; providing that the use of the renewable energy production credit does not reduce the alternative minimum tax credit; amending s. 253.02, F.S.; authorizing the Board of Trustees of the Internal Improvement Trust Fund to delegate authority to grant easements across lands owned by the Board of Trustees of the Internal Improvement Trust Fund to the Secretary of Environmental Protection under certain conditions; 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 be designed to meet 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, the Florida Green Building Coalition standards, or a nationally recognized green building rating system as approved by the department; requiring each state agency occupying space owned or managed by the department to identify and compile a list of projects suitable for a guaranteed energy, water, and wastewater 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 a proper evaluation of life-cycle costs for the building; 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 all state agencies to adopt an energy efficiency rating system as approved by the department for all new buildings and renovations to existing buildings; requiring all county, municipal, school district, water management district, state university, community college, and Florida state court buildings to meet certain energy efficiency standards for construction; providing applicability; creating a sustainable building training certification program within St. Petersburg College; specifying program components; creating s. 286.29, 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 if the price is comparable; 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, state universities, community colleges, and local governments that purchase vehicles under a state purchasing plan 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 loan; 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 savings contractor to provide for the replacement or the extension of the useful life of the energy conservation equipment during the term of the contract; amending s. 287.16, F.S.; requiring the Department of Management Services to analyze specified fuel usage by the Department of Transportation; amending s. 288.1089, F.S.; defining the term “alternative and renewable energy”; revising provisions relating to innovation incentive awards to include alternative and renewable energy projects; specifying eligibility requirements for such projects; requiring Enterprise Florida, Inc., to solicit comments and recommendations from the Florida Energy and Climate Commission in evaluating such projects; amending s. 316.0741, F.S.; requiring all hybrid and other low-emission and energy-efficient vehicles that do not meet the minimum occupancy requirement and are driven in a high-occupancy-vehicle lane to comply with federally mandated minimum fuel economy standards; authorizing specified vehicles to use certain high-occupancy-vehicle lanes without payment of tolls; 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 and an annual project priority list that, among other considerations, provide for sustainable growth and reduce greenhouse gas emissions; amending s. 350.01, F.S.; conforming the beginning of a Public Service Commission member’s term as chair with

the beginning of terms of commissioners; correcting cross-references; amending s. 350.012, F.S.; renaming the Committee on Public Service Commission Oversight, a standing joint committee of the Legislature, as the “Committee on Public Counsel Oversight”; deleting the committee’s authority to recommend to the Governor nominees to fill vacancies on the Public Service Commission; amending s. 350.03, F.S.; clarifying the power of the Governor to remove and fill commission vacancies as set forth in the State Constitution; amending s. 350.031, F.S.; increasing the number of members on the council; requiring the President of the Senate and the Speaker of the House of Representatives to appoint a chair and vice chair to the council in alternating years; removing spending authority for the council to advertise vacancies; requiring the council to submit recommendations for vacancies on the Public Service Commission to the Governor; requiring the council to nominate a minimum of three persons for each vacancy; revising the date that recommendations for vacancies must be submitted; providing that a successor Governor may remove an appointee only as provided; providing for the council to fill a vacancy on the commission if the Governor fails to do so; authorizing a successor governor to recall an unconfirmed appointee under certain circumstances; amending ss. 350.061 and 350.0614, F.S., relating to the appointment, oversight, and compensation of the Public Counsel; conforming provisions to changes made by the act; amending s. 366.04, F.S.; requiring an affected municipal electric utility to conduct a referendum election of all its retail electric customers to determine whether to require the municipal electric utility to provide a proposed charter transferring the operations of the utility to an electric utility authority; amending s. 366.81, F.S.; providing legislative intent; amending s. 366.82, F.S.; defining the term “demand-side renewable energy”; requiring the Public Service Commission to adopt goals for increasing the development of demand-side renewable energy systems energy resources; providing for cost-effectiveness tests; requiring the Florida Energy and Climate Commission to be a party in the proceedings to adopt goals; providing for an appropriations; providing for cost recovery; authorizing the commission to provide financial rewards and penalties; authorizing the commission to allow an investor-owned utility to earn an additional return on equity for exceeding energy efficiency and conservation goals; 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. 366.91, F.S.; clarifying the definition of “biomass” to include waste and byproducts; requiring each public utility, and each municipal electric utility and rural electric utility cooperative that sells electricity at retail, to develop a standardized interconnection and net metering program for customer-owned renewable generation; authorizing net metering to be available when a utility purchases power generated from biogas produced by anaerobic digestion under certain conditions; amending s. 366.92, F.S.; directing the Public Service Commission to adopt a renewable portfolio standard; providing definitions; providing for renewable energy credits; providing for cost recovery; prohibiting the renewable portfolio standard rule from taking effect until ratified by the Legislature; 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; providing for the transfer of the Florida Energy Commission in the Office of Legislative Services to the Florida Energy and Climate Commission in the Executive Office of the Governor; creating s. 377.6015, F.S.; providing for the membership, meetings, duties, and responsibilities of the Florida Energy and Climate Commission; providing rulemaking authority; amending s. 377.602, F.S.; revising the definition of “energy resources”; providing for conforming changes; providing for the type two transfer of the state energy program in the Department of Environmental Protection to the Florida Energy and Climate Commission in the Executive Office of the Governor; amending ss. 377.603, 377.604, 377.605, 377.606, 377.608, 377.701, 377.703, and 377.705, F.S.; providing for conforming changes; amending s. 377.801, F.S.; providing a short title; amending s. 377.802, F.S.; providing the purpose of the Florida Energy and Climate Protection Act; amending s. 377.803, F.S.; revising definitions; clarifying the definition of “renewable energy” to include biomass, as defined in s. 366.91, F.S.; amending s. 377.804, F.S., relating to the Renewable Energy and Energy-Efficient Technologies Grants Program; providing for the program to include matching grants for technologies that increase the energy efficiency of vehicles and commercial buildings; providing for the solicitation of expertise of other entities; providing application requirements; amending s. 377.806, F.S.; conforming

provisions relating to the Solar Energy System Incentives Program, to changes made by this act; requiring all eligible systems under the program to comply with the Florida Building Code; revising rebate eligibility requirements for solar thermal systems to include the installation of certain products by roofing contractors; creating s. 377.808, F.S.; establishing the “Florida Green Government Grants Act”; providing for grants to be awarded to local governments in the development of programs that achieve green standards; 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; prohibiting the rules from being adopted until after January 1, 2010, and from becoming effective until ratified by the Legislature; 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; requiring applicants to make specified efforts to provide notice to certain landowners and to file a list of such notification with the Department of Environmental Protection’s Siting Coordination Office; 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, public notice requirements, and general permits; conforming provisions to changes made by the act; 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. 489.145, F.S.; creating s. 403.7032, F.S.; 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; creating s. 403.7033, F.S., requiring a departmental analysis of particular recyclable materials; requiring a submission of a report; amending s. 403.706, F.S., requiring every county to implement a composting plan to attain certain goals by

a date certain; provides for goal modifications upon demonstrated need to the department; amending s. 489.145, F.S.; revising provisions of 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; requiring the Office of the Chief Financial Officer to review contract proposals; redefining terms; 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 Chief Financial Officer; amending s. 526.06, F.S.; revising provisions for the sale of gasoline blended with ethanol; providing specifications for transitioning to ethanol-blended fuels; creating s. 526.201, F.S.; creating the “Florida Renewable Fuel Standard Act”; creating s. 526.202, F.S.; establishing legislative findings for the act; creating s. 526.203, F.S.; providing definitions, fuel standard, exemptions, and reporting; creating s. 526.204, F.S.; providing for waivers; providing for suspension of standard requirement during declared emergencies; creating s. 526.205, F.S.; providing for enforcement of the act; providing for extensions; creating s. 526.206, F.S.; providing for rulemaking authority by the Department of Revenue and the Department of Agriculture and Consumer Services; creating s. 526.207, F.S.; requiring studies and reports by the Florida Energy and Climate Commission; amending s. 553.73, F.S.; requiring that the Florida Building Commission select the most recent International Energy Conservation Code as a foundation code; providing for modification of the International Energy Conservation Code by the commission under certain circumstances; 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 Florida Energy Efficiency Code for Building Construction; providing energy-efficiency performance options and elements for achieving performance goals; requiring the commission to adopt rules and implement a cost-effectiveness test; amending s. 553.909, F.S.; requiring the Florida Energy Efficiency Code for Building Construction to set minimum requirements for certain commercial or residential appliances; requiring the Agency for Enterprise Information Technology to define specified objective standards and conduct evaluations relating to energy efficiency; requiring the agency to submit a report; providing report requirements; requiring the agency to submit specified recommendations; providing for the inclusion of specifications in certain plans and processes; creating s. 1004.648, F.S.; establishing the Florida Energy Systems Consortium consisting of all the state universities; providing for membership and duties of the consortium; providing for a director, an oversight board, and a steering committee; requiring the consortium to submit an annual report; requiring an economic impact analysis on the effects of granting financial incentives to energy producers who use woody biomass as fuel; providing that certain vehicle emission standards are subject to ratification by the Legislature prior to implementation or modification by the Department of Environmental Protection; requiring the Department of Education and the Department of Environmental Protection to develop an awards or recognition program for outstanding efforts in conservation, energy and water use reduction, environmental enhancement, and conservation-related educational curriculum development; encouraging the departments to seek private sector funding for the program; repealing s. 377.901, F.S., relating to the Florida Energy Commission; requiring the Public Service Commission to provide a report to the Governor and the Legislature on utility revenue decoupling; providing effective dates.

—a companion measure, was substituted for **CS for CS for CS for SB 1544** as amended and by two-thirds vote read the second time by title. On motion by Senator Saunders, by two-thirds vote **HB 7135** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Posey  
Rich  
Ring  
Saunders  
  
Nays—None

Siplin  
Storms  
Villalobos

Webster  
Wilson  
Wise

Siplin  
Storms  
  
Nays—None

Villalobos  
Webster

Wilson  
Wise

Vote after roll call:

Yea—Diaz de la Portilla

**HB 35**—A bill to be entitled An act relating to social worker identification; amending ss. 39.01 and 491.003, F.S.; providing definitions for “social worker”; creating s. 491.016, F.S.; providing requirements for using the title “social worker”; providing a penalty; providing exemptions; requiring the Department of Health to adopt certain implementing and enforcing rules; providing an effective date.

—was read the third time by title.

On motion by Senator Rich, **HB 35** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President  
Alexander  
Aronberg  
Atwater  
Baker  
Bennett  
Bullard  
Carlton  
Constantine  
Crist  
Dawson  
Dean  
Deutch

Diaz de la Portilla  
Dockery  
Fasano  
Gaetz  
Garcia  
Geller  
Haridopolos  
Hill  
Jones  
Joyner  
Justice  
King  
Lawson

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

Nays—1

Storms

**CS for SB 268**—A bill to be entitled An act relating to the Legislature; providing a short title; amending s. 11.143, F.S.; eliminating authority for members of a legislative committee to administer certain oaths and affirmations to witnesses; eliminating penalties for false swearing before a legislative committee; conforming to the creation of new provisions relating to oaths and affirmations before a legislative committee; creating s. 11.1435, F.S.; requiring persons who address a legislative committee to take an oath or affirmation of truthfulness; providing exceptions; requiring a member of the legislative committee to administer the oath or affirmation; providing criminal penalties for certain false statements before a legislative committee; authorizing the use of a signed appearance card in lieu of an oral oath or affirmation; prescribing conditions related to the use of the card; providing for penalties for making a false statement after signing the card; providing an effective date.

—as amended April 29 was read the third time by title.

On motion by Senator Villalobos, **CS for SB 268** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President  
Alexander  
Aronberg  
Atwater  
Baker  
Bennett  
Bullard  
Carlton  
Constantine  
Crist  
Dawson

Dean  
Deutch  
Dockery  
Fasano  
Gaetz  
Garcia  
Geller  
Haridopolos  
Hill  
Jones  
Joyner

Justice  
King  
Lawson  
Lynn  
Margolis  
Oelrich  
Peaden  
Posey  
Rich  
Ring  
Saunders

Consideration of **CS for CS for SB 482** was deferred.

On motion by Senator Justice, by two-thirds vote **HB 7103** was withdrawn from the Committee on Banking and Insurance.

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

**HB 7103**—A bill to be entitled An act relating to mitigation enhancement; amending s. 215.5586, F.S.; revising eligibility criteria for qualifying as a wind certification entity for certain purposes; deleting an obsolete provision; requiring the Department of Financial Services to implement a quality assurance program; revising authority of the department to require certain improvements to be made as a condition of reimbursing a homeowner approved for a grant; deleting a provision authorizing the department to transfer certain funds to Volunteer Florida Foundation, Inc., for certain purposes; deleting a requirement that Volunteer Florida, Inc., undertake certain activities; requiring the department to implement a no-interest loan program by a certain date; providing program requirements; requiring the department to set aside certain moneys for certain purposes; authorizing the department to adopt rules; expanding authority of the department to contract with additional third parties for certain purposes; amending s. 627.062, F.S.; requiring insurers to account for county ordinances and local amendments to the Florida Building Code in certain rate filings; amending s. 627.711, F.S.; requiring insurers to accept as valid uniform mitigation verification forms certified by the department or signed by certain professionals; providing an effective date.

—a companion measure, was substituted for **CS for SB 644** as amended and by two-thirds vote read the second time by title.

Senator Justice moved the following amendment:

**Amendment 1 (231502)(with title amendment)**—Delete everything after the enacting clause and insert:

Section 1. Subsection (1), paragraphs (e) and (j) of subsection (2), and subsection (10) of section 215.5586, Florida Statutes, are amended to read:

215.5586 My Safe Florida Home Program.—There is established within the Department of Financial Services the My Safe Florida Home Program. The department shall provide fiscal accountability, contract management, and strategic leadership for the program, consistent with this section. This section does not create an entitlement for property owners or obligate the state in any way to fund the inspection or retrofitting of residential property in this state. Implementation of this program is subject to annual legislative appropriations. It is the intent of the Legislature that the My Safe Florida Home Program provide inspections for at least 400,000 site-built, single-family, residential properties and provide grants to at least 35,000 applicants before June 30, 2009. The program shall develop and implement a comprehensive and coordinated approach for hurricane damage mitigation that shall include the following:

(1) HURRICANE MITIGATION INSPECTIONS.—

(a) Free home-retrofit inspections of site-built, single-family, residential property shall be offered throughout the state to determine what mitigation measures are needed, what insurance premium discounts may be available, and what improvements to existing residential properties are needed to reduce the property’s vulnerability to hurricane damage. The Department of Financial Services shall contract with wind certification entities to provide free hurricane mitigation inspections. The inspections provided to homeowners, at a minimum, must include:

1. A home inspection and report that summarizes the results and identifies recommended improvements a homeowner may take to mitigate hurricane damage.
2. A range of cost estimates regarding the recommended mitigation improvements.
3. Insurer-specific information regarding premium discounts correlated to the current mitigation features and the recommended mitigation improvements identified by the inspection.
4. A hurricane resistance rating scale specifying the home's current as well as projected wind resistance capabilities. As soon as practical, the rating scale must be the uniform home grading scale adopted by the Financial Services Commission pursuant to s. 215.55865.

(b) To qualify for selection by the department as a wind certification entity to provide hurricane mitigation inspections, the entity shall, at a minimum, meet the following requirements:

1. Use hurricane mitigation inspectors who:
  - a. Are certified as a building inspector under s. 468.607;
  - b. Are licensed as a general or residential contractor under s. 489.111;
  - c. Are licensed as a professional engineer under s. 471.015 and who have passed the appropriate equivalency test of the Building Code Training Program as required by s. 553.841;
  - d. Are licensed as a professional architect under s. 481.213; or

e.a. Have at least 2 years of prior experience in residential construction or residential building inspection and have received specialized training in hurricane mitigation procedures. Such training may be provided by a class offered online or in person.

2. Use hurricane mitigation inspectors who also:

a.b. Have undergone drug testing and level 2 background checks pursuant to s. 435.04. The department may ~~is authorized to~~ conduct criminal record checks of inspectors used by wind certification entities. Inspectors must submit a set of the fingerprints to the department for state and national criminal history checks and must pay the fingerprint processing fee set forth in s. 624.501. The fingerprints shall be sent by the department to the Department of Law Enforcement and forwarded to the Federal Bureau of Investigation for processing. The results shall be returned to the department for screening. The fingerprints shall be taken by a law enforcement agency, designated examination center, or other department-approved entity; ~~and Hurricane mitigation inspectors participating in the program on January 25, 2007, shall have until June 1, 2007, to meet the requirements for a criminal record check.~~

b.e. Have been certified, in a manner satisfactory to the department, to conduct the inspections.

3.2. Provide a quality assurance program including a reinspection component.

(c) The department shall implement a quality assurance program that includes a statistically valid number of reinspections.

(d)(e) An application for an inspection must contain a signed or electronically verified statement made under penalty of perjury that the applicant has submitted only a single application for that home.

(e)(d) The owner of a site-built, single-family, residential property may apply for and receive an inspection without also applying for a grant pursuant to subsection (2) and without meeting the requirements of paragraph (2)(a).

(2) MITIGATION GRANTS.—Financial grants shall be used to encourage single-family, site-built, owner-occupied, residential property owners to retrofit their properties to make them less vulnerable to hurricane damage.

(e) When recommended by a hurricane mitigation inspection, grants may be used for the following improvements only:

1. Opening protection.
2. Exterior doors, including garage doors.
3. Brace gable ends.

The department may require that improvements be made to all openings, including exterior doors and garage doors, as a condition of *reimbursing a homeowner approved approving an application for a grant if the department determines that improvements to less than all openings would not substantially improve the structure's ability to withstand hurricane damage.*

~~(j) The department shall transfer the amount of \$40 million from funds appropriated to the program, including up to 5 percent for administrative costs, to Volunteer Florida Foundation, Inc., for provision of inspections and grants to low-income homeowners, as defined in s. 420.0004(10), consistent with this section. Volunteer Florida Foundation, Inc., shall be responsible for inspections and grants management for low-income homeowners and shall report its activities and account for state funds on a quarterly and annual basis to the Chief Financial Officer, the President of the Senate, and the Speaker of the House of Representatives.~~

(10) CONTRACT MANAGEMENT.—The department may contract with third parties for grants management, inspection services, contractor services for low-income homeowners, information technology, educational outreach, and auditing services. Such contracts shall be considered direct costs of the program and shall not be subject to administrative cost limits, but contracts valued at \$500,000 or more shall be subject to review and approval by the Legislative Budget Commission. The department shall contract with providers that have a demonstrated record of successful business operations in areas directly related to the services to be provided and shall ensure the highest accountability for use of state funds, consistent with this section.

Section 2. Subsection (2) of section 627.711, Florida Statutes, is amended to read:

627.711 Notice of premium discounts for hurricane loss mitigation; uniform mitigation verification inspection form.—

(2) By July 1, 2007, the Financial Services Commission shall develop by rule a uniform mitigation verification inspection form that shall be used by all insurers when *submitted by policyholders for the purpose of factoring discounts for wind insurance.* In developing the form, the commission shall seek input from insurance, construction, and building code representatives. Further, the commission shall provide guidance as to the length of time the inspection results are valid. *An insurer shall accept as valid a uniform mitigation verification form certified by the Department of Financial Services or signed by:*

- (a) A hurricane mitigation inspector employed by an approved My Safe Florida Home wind certification entity;
- (b) A building code inspector certified under s. 468.607;
- (c) A general or residential contractor licensed under s. 489.111;
- (d) A professional engineer licensed under s. 471.015 who has passed the appropriate equivalency test of the Building Code training program as required by s. 553.841; or
- (e) A professional architect licensed under s. 481.213.

Section 3. This act shall take effect July 1, 2008.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the My Safe Florida Home Program; amending s. 215.5586, F.S.; requiring that wind certification entities meet certain minimum criteria to qualify for selection by the Department of Financial Services; deleting a provision requiring hurricane mitigation inspectors participating in the program to meet the requirements for a criminal record check by a specified date; authorizing the department to require that improvements be made to all openings of a structure, including exterior doors and garage doors, as a condition of reimbursing a homeowner for a grant; deleting a provision authorizing the department to transfer certain funds to Volunteer Florida Foundation, Inc., for

certain purposes; deleting a requirement that Volunteer Florida, Inc., undertake certain activities; authorizing the department to contract with third parties for contractor services and technology; amending s. 627.711, F.S.; requiring insurers to accept as valid uniform mitigation verification forms certified by the department or signed by certain professionals; providing an effective date.

#### MOTION

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

Senator Justice moved the following amendment to **Amendment 1** which was adopted:

**Amendment 1A (640666)(with directory and title amendments)**—Between line(s) 122 and 123 insert:

(8) NO-INTEREST LOANS.—The department ~~shall implement~~ ~~may develop~~ a no-interest loan program by *October 1, 2008, contingent upon the selection of a qualified vendor and execution of a contract acceptable to the department and the vendor. The department shall enter into partnerships with* ~~December 31, 2007, to encourage~~ the private sector to provide loans to owners of site-built, single-family, residential property to pay for mitigation measures listed in subsection (2). A loan eligible for interest payments pursuant to this subsection may be for a term of up to 3 years and cover up to \$5,000 in mitigation measures. The department shall pay the creditor the market rate of interest using funds appropriated for the My Safe Florida Home Program. In no case shall the department pay more than the interest rate set by s. 687.03. To be eligible for a loan, a loan applicant must first obtain a home inspection and report that specifies what improvements are needed to reduce the property's vulnerability to windstorm damage pursuant to this section and meet loan underwriting requirements set by the lender. The department ~~shall~~ ~~may~~ set aside ~~up to~~ \$10 million from funds appropriated for the My Safe Florida Home Program to implement this subsection. The department ~~may~~ ~~shall~~ adopt rules pursuant to ss. 120.536(1) and 120.54 to implement this subsection which may include eligibility criteria.

And the directory clause is amended as follows:

Delete line(s) 7 and insert: subsection (2), and subsections (8) and (10) of section 215.5586, Florida

And the title is amended as follows:

On line(s) 181, after the semicolon (;) insert: requiring the department to implement a no-interest loan program by a certain date; providing program requirements; requiring the department to set aside certain moneys for certain purposes; authorizing the department to adopt rules;

**Amendment 1** as amended was adopted.

On motion by Senator Justice, by two-thirds vote **HB 7103** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Dockery	Oelrich
Alexander	Fasano	Peaden
Aronberg	Gaetz	Posey
Atwater	Garcia	Rich
Baker	Geller	Ring
Bennett	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—None

**CS for SB 886**—A bill to be entitled An act relating to toxic substances in children's products; providing definitions; prohibiting a per-

son from using or applying a toxic substance in or on any toy or child care article in this state; prohibiting a person from manufacturing, selling, offering for sale, or distributing a toy or child care article that contains a toxic substance; providing an exception; providing civil fines for manufacturing, selling, offering for sale, or distributing a toy or child care article that contains a toxic substance; requiring that certain civil fines be waived under specified circumstances; providing that a knowing and intentional violation of the act is a felony of the third degree; providing criminal penalties; providing an effective date.

—as amended April 29 was read the third time by title.

On motion by Senator Justice, **CS for SB 886** as amended 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
Bennett	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

Consideration of **HB 7109** and **HB 313** was deferred.

On motion by Senator Saunders, by two-thirds vote **HB 7091** was withdrawn from the Committee on Environmental Preservation and Conservation.

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

**HB 7091**—A bill to be entitled An act relating to fish and wildlife conservation; consolidating chapters 370 and 372, F.S., to create chapter 379, F.S., entitled "Fish and Wildlife Conservation"; creating part I of chapter 379, F.S., relating to general provisions; creating part II of chapter 379, F.S., relating to marine life; creating part III of chapter 379, F.S., relating to freshwater aquatic life; creating part IV of chapter 379, F.S., relating to wild animal life; creating part V of chapter 379, F.S., relating to law enforcement; creating part VI of chapter 379, F.S., relating to licenses for recreation activities; creating part VII of chapter 379, F.S., relating to nonrecreational licenses; creating part VIII of chapter 379, F.S., relating to penalties; renumbering, amending, creating, and repealing various statutory provisions to conform; renumbering and amending ss. 370.021, 370.06, 370.061, 370.063, 370.16, 370.22, 370.26, 370.028, 370.07, 370.08, 370.081, 370.11, 370.1107, 370.1121, 370.135, 370.14, 370.143, 370.1535, 370.1603, 370.31, 370.73, 372.07, 372.071, 372.0715, 372.0025, 372.023, 372.0725, 372.16, 372.26, 372.551, 372.561, 372.562, 372.65, 372.57, 372.5704, 372.5705, 372.571, 372.5711, 372.5714, 372.5717, 372.5718, 372.574, 372.58, 372.581, 372.59, 372.651, 372.653, 372.66, 372.661, 372.662, 372.663, 372.664, 372.6645, 372.665, 372.6671, 372.6672, 372.6673, 372.6674, 372.6678, 372.671, 372.673, 372.70, 372.701, 372.7015, 372.7016, 372.76, 372.761, 372.83, 372.84, 372.85, 372.86, 372.87, 372.88, 372.921, 372.922, 372.935, 372.988, 372.99, 372.9901, 372.99021, 372.99022, 372.9903, 372.9904, 372.9905, and 372.992, F.S.; correcting cross-references; conforming provisions to changes made by this act; renumbering and amending s. 370.12, F.S.; deleting an obsolete provision relating to certain annual use fees; correcting cross-references; renumbering and amending s. 370.13, F.S.; deleting an obsolete provision relating to stone crab trap tag fees; correcting cross-references; renumbering and amending s. 370.142, F.S.; deleting an obsolete provision relating to spiny lobster trap tag fees; correcting cross-references; renumbering and amending s. 370.151, F.S.; deleting legislative intent relating to shrimp beds; conforming provisions relating to shrimping license violations; renumbering and amending s. 372.5701, F.S.; deleting provisions requir-

ing an annual legislative appropriation for specified activities and programs; correcting cross-references; creating s. 379.3711, F.S.; establishing an annual license fee for private game preserves and farms; providing for payment of such fees to the commission; requiring proceeds to be deposited in the State Game Trust Fund; creating 379.414, F.S.; providing additional civil penalties for violations of record requirements by saltwater products dealers; requiring fees collected for such violations are deposited in the Marine Resources Conservation Trust Fund; specifying the use of such funds; amending ss. 72.011, 97.05831, 125.01, 142.01, 161.053, 201.15, 212.06, 212.08, 213.053, 215.20, 290.004, 320.08058, 327.02, 327.41, 327.73, 328.66, 328.72, 328.76, 373.046, 403.41315, 403.813, 597.010, 777.04, 810.09, 921.0022, and 932.7055, F.S.; correcting cross-references to conform to changes made by this act; repealing s. 370.0821, F.S., relating to use of nets in St. Johns County to conform to changes made by this act; repealing s. 370.09, F.S., relating to industrial hazards and prohibited oil deposits discharge to conform to changes made by this act; repealing s. 370.1105, F.S., relating to saltwater finfish trap regulation to conform to changes made by this act; repealing ss. 370.15 and 370.154, F.S., relating to shrimp regulations to conform to changes made by this act; repealing s. 370.155, F.S., relating to shrimp fishing to conform to changes made by this act; repealing 372.001, F.S., relating to wildlife definitions to conform to changes made by this act; repealing s. 372.0225, F.S., relating to freshwater organisms to conform to changes made by this act; repealing s. 372.107, F.S., relating to the Fish and Wildlife Conservation Commission Federal Law Enforcement Trust Fund to conform to changes made by this act; repealing s. 372.27, F.S., relating to the prohibition of fishing in Silver Springs and Rainbow Springs to conform to changes made by this act; repealing s. 372.667, F.S., relating to the unlawful feeding or enticement of alligators or crocodiles to conform to changes made by this act; repealing s. 372.98, F.S., relating to the possession of nutria to conform to changes made by this act; repealing s. 372.981, F.S., relating to the regulation of importation of caiman to conform to changes made by this act; repealing s. 372.993, F.S., relating to land-based commercial and recreational fishing activities to conform to changes made by this act; providing an effective date.

—a companion measure, was substituted for **CS for SB 1304** and by two-thirds vote read the second time by title. On motion by Senator Saunders, by two-thirds vote **HB 7091** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Dockery	Oelrich
Alexander	Fasano	Peaden
Aronberg	Gaetz	Posey
Atwater	Garcia	Rich
Baker	Geller	Ring
Bennett	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—None

Consideration of **CS for CS for SB 1430** and **CS for CS for CS for HB 653** was deferred.

**CS for SB 1502**—A bill to be entitled An act relating to property leased for public purposes; amending s. 125.031, F.S.; exempting counties operating under a home rule charter from a 30-year lease limitation under certain circumstances; providing an effective date.

—was read the third time by title.

On motion by Senator Margolis, **CS for SB 1502** was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Dockery	Oelrich
Alexander	Fasano	Peaden
Aronberg	Gaetz	Posey
Atwater	Garcia	Rich
Baker	Geller	Ring
Bennett	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—None

**CS for SB 1552**—A bill to be entitled An act relating to Everglades restoration bonds; amending s. 215.619, F.S.; authorizing the issuance of additional Everglades restoration bonds to implement the Florida Keys Area of Critical State Concern protection program; extending the period during which Everglades Restoration bonds may be issued; authorizing the issuance of an additional amount of bonds for a specified time period specifically to fund the Florida Keys Area of Critical State Concern protection program; requiring the Legislature to analyze the ratio of the state's debt to projected revenues before authorizing issuance of certain bonds; amending s. 373.470, F.S.; defining the term "Keys Wastewater Plan"; authorizing funds deposited into the Save Our Everglades Trust Fund to be used to implement the Keys Wastewater Plan; amending s. 373.472, F.S.; authorizing the Department of Environmental Protection, subject to specific appropriation, to use moneys from the Save Our Everglades Trust Fund to fund projects identified in the Keys Wastewater Plan; deleting an obsolete provision terminating the Save Our Everglades Trust Fund; providing an effective date.

—as amended April 29 was read the third time by title.

On motion by Senator Saunders, **CS for SB 1552** as amended was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Dockery	Oelrich
Alexander	Fasano	Peaden
Aronberg	Gaetz	Posey
Atwater	Garcia	Rich
Baker	Geller	Ring
Bennett	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—None

**HB 879**—A bill to be entitled An act relating to early learning; providing a short title; amending s. 411.01, F.S.; revising provisions relating to membership of early learning coalitions; authorizing use of telecommunication methods in conducting early learning coalition board meetings; amending and renumbering s. 402.27, F.S.; transferring requirements for the establishment of a statewide child care resource and referral network by the Department of Children and Family Services to the Agency for Workforce Innovation; providing for use of early learning coalitions as child care resource and referral agencies; requiring rule-making; amending and renumbering s. 409.178, F.S.; transferring duties of the Department of Children and Family Services with respect to the Child Care Executive Partnership Program to the Agency for Workforce Innovation and early learning coalitions; requiring rulemaking;

amending ss. 1002.55, 1002.61, and 1002.63, F.S., relating to the Voluntary Prekindergarten Education Program; providing additional accreditation standards for private prekindergarten providers; providing requirements for assignment of substitute instructors; requiring rulemaking; conforming cross-references; providing an effective date.

—as amended April 29 was read the third time by title.

On motion by Senator Gaetz, **HB 879** as amended was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Dockery	Oelrich
Alexander	Fasano	Peaden
Aronberg	Gaetz	Posey
Atwater	Garcia	Rich
Baker	Geller	Ring
Bennett	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—None

**HB 7067**—A bill to be entitled An act relating to virtual education; amending s. 1000.04, F.S.; providing that K-8 virtual schools are public K-12 schools; amending ss. 1002.20 and 1002.31, F.S.; providing that K-8 virtual schools are a public school choice option; amending s. 1002.415, F.S.; establishing the school district K-8 Virtual School Program; requiring school districts to offer a K-8 Virtual School Program beginning with the 2009-2010 school year; authorizing school districts to offer such program for the 2008-2009 school year; authorizing the provision of specified online instruction to students in grades 6 through 8 through a franchise agreement with the Florida Virtual School; specifying qualifications for and requiring Department of Education approval of contracted providers; requiring department approval for district programs; specifying requirements for a K-8 virtual school relating to employees, curriculum, equipment, and fees; requiring specified capacity and limiting future enrollment increases; providing student eligibility and enrollment requirements; requiring student compliance with specified attendance provisions; requiring students to take state assessment tests; providing funding through the Florida Education Finance Program for district K-8 Virtual School Programs; requiring K-8 virtual schools to participate in the state assessment program and education performance accountability system and receive school grades; requiring school improvement plans for schools that receive specified grades; requiring annual department review and reporting of student performance; specifying reasons for nonrenewal or termination of provider contracts; providing for continuation of existing K-8 virtual schools under contract with the department for specified students; providing requirements for the funding of such schools; requiring rulemaking; providing for application of section; amending s. 1003.01, F.S.; amending the definition of the term “core-curricula courses” to exclude Florida Virtual School and K-8 Virtual School Program courses; amending s. 1011.61, F.S.; defining a K-8 virtual school full-time equivalent student; providing effective dates.

—as amended April 29 was read the third time by title.

On motion by Senator Wise, **HB 7067** as amended was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Bullard	Deutch
Alexander	Carlton	Diaz de la Portilla
Aronberg	Constantine	Dockery
Atwater	Crist	Fasano
Baker	Dawson	Gaetz
Bennett	Dean	Garcia

Geller	Lynn	Siplin
Haridopolos	Margolis	Storms
Hill	Oelrich	Villalobos
Jones	Peaden	Webster
Joyner	Posey	Wilson
Justice	Rich	Wise
King	Ring	
Lawson	Saunders	

Nays—None

**CS for CS for CS for SB 2026**—A bill to be entitled An act relating to sexual offenders and predators; amending ss. 775.21, 943.0435, 944.607, and 985.4815, F.S.; requiring sexual offenders and predators to provide home telephone numbers and any cellular telephone numbers as part of the registration process; specifying that failure to provide such telephone numbers as required is a third-degree felony; requiring registrants to attest to the truthfulness of the information submitted during registration; providing criminal penalties for submission of false information during registration; amending s. 943.043; requiring the Department of Law Enforcement to notify the public of certain adult and juvenile sexual predator and sexual offender information through the Internet; providing a definition of the term “adult sexual predators and adult sexual offenders”; specifying what sexual predator and sexual offender information and features must be available on the Internet; requiring the Department of Law Enforcement to develop a uniform system to verify predator and offender address information when address submitted cannot be plotted on a map; requiring the Department of Law Enforcement to determine the feasibility of certain Internet features; amending s. 944.606, F.S.; requiring that the Department of Law Enforcement be notified of the home telephone number and any cellular telephone number of a sexual offender released from incarceration; amending s. 985.481, F.S.; requiring that the Department of Law Enforcement be notified of the home telephone number and any cellular telephone number of a juvenile sexual offender released after serving a period of residential commitment; providing effective dates.

—as amended April 29 was read the third time by title.

#### MOTION

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

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

**Amendment 1 (775714)**—On line 182, delete “the”

On motion by Senator Ring, **CS for CS for CS for SB 2026** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—40

Mr. President	Dockery	Oelrich
Alexander	Fasano	Peaden
Aronberg	Gaetz	Posey
Atwater	Garcia	Rich
Baker	Geller	Ring
Bennett	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—None

**CS for CS for HB 887**—A bill to be entitled An act relating to the Career Service System; amending s. 110.227, F.S.; revising criteria for

certain rules and procedures for the suspension, reduction in pay, transfer, layoff, demotion, and dismissal of employees in the career service; increasing the amounts of time in which to submit grievances and respond to grievances; revising notice requirements; increasing the amount of time in which the employee must file an appeal to the Public Employees Relations Commission; revising procedures applicable to appeals filed with the commission; providing for the removal and placement of certain career service employees serving a probationary period; providing an effective date.

—was read the third time by title.

On motion by Senator Dean, **CS for CS for HB 887** was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Dockery	Oelrich
Alexander	Fasano	Peaden
Aronberg	Gaetz	Posey
Atwater	Garcia	Rich
Baker	Geller	Ring
Bennett	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—None

**CS for HB 1313**—A bill to be entitled An act relating to students with disabilities; amending ss. 1002.33, 1002.39, 1003.01, 1003.21, and 1003.438, F.S., relating to charter schools, the John M. McKay Scholarships for Students with Disabilities Program, school attendance, and high school graduation requirements; revising the terminology used to identify students with certain disabilities; authorizing the State Board of Education to adopt rules for eligibility of certain children with disabilities for admission to special programs and related services; removing authority of district school boards to adopt such rules; amending ss. 1007.02, 1007.264, and 1007.265, F.S., relating to postsecondary education; revising the terminology used to identify students with intellectual, emotional, or behavioral disabilities; providing an effective date.

—as amended April 29 was read the third time by title.

On motion by Senator Wise, **CS for HB 1313** as amended was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Dockery	Oelrich
Alexander	Fasano	Peaden
Aronberg	Gaetz	Posey
Atwater	Garcia	Rich
Baker	Geller	Ring
Bennett	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—None

**HB 313**—A bill to be entitled An act relating to dating violence; providing a short title; amending s. 784.046, F.S.; revising provisions relating to dating violence incidents to provide requirements for investigations, notice to victims, and reporting similar to those for incidents of

domestic violence and to apply certain immunity provisions thereto; prohibiting certain willful violations of conditions of pretrial release; providing penalties; amending s. 901.15, F.S.; providing for warrantless arrests of persons for dating violence; conforming provisions; providing an effective date.

—was read the third time by title.

On motion by Senator Dean, **HB 313** was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Dockery	Oelrich
Alexander	Fasano	Peaden
Aronberg	Gaetz	Posey
Atwater	Garcia	Rich
Baker	Geller	Ring
Bennett	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—None

**CS for CS for SB 2080**—A bill to be entitled An act relating to value adjustment boards; amending s. 194.011, F.S.; requiring that the Department of Revenue develop a uniform policies and procedures manual for use in proceedings before value adjustment boards; specifying availability requirements for such manual; amending s. 194.015, F.S.; revising the membership of value adjustment boards; providing for citizen members; revising criteria related to appointment to such boards; revising quorum requirements; deleting provisions authorizing county attorneys to act as counsel for value adjustment boards; amending s. 194.035, F.S.; providing that a requirement that value adjustment boards appoint special magistrates for certain purposes applies to all counties; requiring value adjustment boards to verify the qualifications of special magistrates prior to appointment; providing selection criteria; requiring that the department provide training for special magistrates; providing training requirements; requiring that the department charge tuition for such training; requiring that the department deposit fees collected from such tuition into the Certification Program Trust Fund; amending s. 194.037, F.S.; revising information required to be provided on the disclosure of tax impact form to include certain additional information; amending s. 195.002, F.S.; conforming provisions to changes made by the act; providing an effective date.

—was read the third time by title.

**MOTION**

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

Senator Haridopolos moved the following amendment:

**Amendment 1 (102928)(with title amendment)**—Between line(s) 29 and 30 insert:

Section 1. Paragraph (c) of subsection (4) of section 193.155, Florida Statutes, is amended to read:

193.155 Homestead assessments.—Homestead property shall be assessed at just value as of January 1, 1994. Property receiving the homestead exemption after January 1, 1994, shall be assessed at just value as of January 1 of the year in which the property receives the exemption unless the provisions of subsection (8) apply.

(4)

(c) Changes, additions, or improvements that replace all or a portion of real property that was damaged or destroyed by misfortune or calamity shall be assessed upon substantial completion as if such damage or

destruction had not occurred and in accordance with paragraph (b) if the owner of such property:

1. Was permanently residing on such property *or improvements were under construction and subject to completion prior to January 1 of the year when the damage or destruction occurred.*;

2. Was not entitled to receive homestead exemption on such property as of January 1 of that year. ~~;~~ ~~and~~

3. Applies for and receives homestead exemption on such property *the year following the completion of improvements made in compliance with paragraph (b) year.*

Section 2. Paragraph (b) of subsection (3) of section 193.461, Florida Statutes, is amended to read:

193.461 Agricultural lands; classification and assessment; mandated eradication or quarantine program.—

(3)

(b) Subject to the restrictions set out in this section, only lands which are used primarily for bona fide agricultural purposes shall be classified agricultural. “Bona fide agricultural purposes” means good faith commercial agricultural use of the land. In determining whether the use of the land for agricultural purposes is bona fide, the following factors may be taken into consideration:

1. The length of time the land has been so *used.* ~~utilized.~~;
2. Whether the use has been continuous.;
3. The purchase price paid.;
4. Size, as it relates to specific agricultural use, *but in no event shall a minimum acreage be required for agricultural assessment.*;
5. Whether an indicated effort has been made to care sufficiently and adequately for the land in accordance with accepted commercial agricultural practices, including, without limitation, fertilizing, liming, tilling, mowing, reforestation, and other accepted agricultural practices.;
6. Whether such land is under lease and, if so, the effective length, terms, and conditions of the lease. ~~;~~ ~~and~~
7. Such other factors as may from time to time become applicable.

And the title is amended as follows:

Delete line(s) 2 and insert: An act relating to ad valorem taxation; amending s. 193.155, F.S.; revising the assessment of homestead property damaged or destroyed by misfortune or calamity; amending s. 193.461, F.S.; revising criteria for classifying agricultural lands; amending s.

On motion by Senator Haridopolos, further consideration of **CS for SB 2080** with pending **Amendment 1 (102928)** was deferred.

### MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Constantine, by two-thirds vote **CS for SB 708** was withdrawn from the Committee on General Government Appropriations; and **CS for SB 1996** was withdrawn from the Committee on Transportation and Economic Development Appropriations.

On motion by Senator Atwater, by two-thirds vote **CS for SB 1098** was withdrawn from the Committee on Criminal Justice; **CS for SB 2272** was withdrawn from the Committee on Judiciary; and **CS for SB 668** was withdrawn from the Committee on Transportation and Economic Development Appropriations.

### RECESS

On motion by Senator King, the Senate recessed at 12:50 p.m. to reconvene at 1:30 p.m.

### AFTERNOON SESSION

The Senate was called to order by the President at 1:30 p.m. A quorum present—40:

Mr. President	Dockery	Oelrich
Alexander	Fasano	Peaden
Aronberg	Gaetz	Posey
Atwater	Garcia	Rich
Baker	Geller	Ring
Bennett	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	

### RECOGNITION OF MINORITY LEADER GELLER

**President Pruitt:** It was Thanksgiving weekend in 1988. A 29-year-old newly-elected Representative named Steve Geller heard a news report about a horrific accident at Gulf Stream Park, the site of the Broward County Fair.

A young high school senior named Kristy Shaftley was on an amusement ride called the Spider. What started out as a day of fun and leisure ended in unspeakable tragedy as the ride Kristy was on collapsed, resulting in her death.

Representative Geller and the Broward community were hit hard with the news. Such a young, beautiful life snuffed out in an instant. The day after the accident, Representative Geller traveled to the scene to try and sort out how this could possibly happen.

The result of the post-accident inspection showed that the ride collapsed because of metal fatigue. Senator Geller asked a lot of tough questions that day and the answers troubled him. It turned out that Florida did not have a ride inspection program.

Representative Steve Geller said, “There ought to be a law.”

So, in his first session in Tallahassee, he filed the toughest ride inspection program in the nation. It required an inspection every time a ride was moved from one park to another, an inspection for every new ride, and a mandatory once-a-year inspection for all stationary rides to check for metal fatigue—which was the cause of the accident that killed Kristy Shaftley.

There were some very powerful special interests who opposed the bill. One company, that I will leave unnamed, worked hard to defeat the legislation. After coming to a hard fought agreement with the tenacious freshman sponsor, they still went on to lobby against the bill.

Representative Geller, in his typical demure way, called the lobbyist into his office and said, “Let me tell you what I am going to do tomorrow. I am going to call a press conference to tell every parent in the State of Florida that when their child is injured on a ride they should send your company a personal thank you because you killed the bill that would have protected their child. Then, I am going to encourage those same families to be sure and name your company as a defendant in the lawsuit they are going to file.” The next day, the company and the lobbyist supported the bill.

Senators, that ride inspection program is still in effect today. No one will ever know the exact number of children who were spared, but one thing is certain: many lives have been saved because of this bill. So, today we present Senate Democratic Leader Steve Geller with a framed copy of the “Amusement Ride and Attraction Act.”

You know, Senator Geller, I think it is fitting that the first bill you filed in 1988 was about helping children, and 20 years later, the final bill you filed in your last session is about helping children. I think that is a perfect way to summarize your service to our state.

**Senator Aronberg:** It is my pleasure to pay tribute to Senator Steve Geller. I first met Steve Geller in the early 90s, about 16 years ago, at a Democratic dinner. I had known Joe Geller, his brother. I had worked with him on some campaigns as a volunteer. That was the first time I had a chance to meet Steve Geller, the brother that was the elected official, very prominent in South Florida. I remember, there he was holding court, talking about everything and really having a good time.

It was 16 years ago but I can remember vividly a joke he told that day when I mentioned I was interested in running for the Legislature. Unlike everybody else, he actually took me seriously. I was in my early twenties and he proceeded to tell me a joke about “Schlomo, the politician.” I’m sure I’m not telling it right and you’re probably not going to find it that funny. I’m going to give it a shot. Someone goes to find “Schlomo, the politician” in the old country. He walks up and asks if anyone has seen “Schlomo, the politician.” Someone said, “Oh, that crook, I hope he gets run over by a mule. He lives over the mountain.” So he goes over the mountain and he finds someone else and he says “Hey, do you know where Schlomo, the politician lives?” “Oh, that schlub. I hope he gets his toenails ripped out. He lives over in that house.” So he goes over to that house where he finds Schlomo, the politician. He says “Why do you put yourself out there and be an elected official?” Schlomo looks at him and says “It’s the naches.” Now that joke killed Broward County. I tell that joke because if you don’t speak Italian, that word is a Yiddish word for “honors.” At the table, in Broward, it had everyone roaring. It really is something that I won’t forget because in a way, Steve Geller’s never changed. His jokes are still just as funny and he is at his happiest when he is at a dinner table, holding court, talking about the news of the world, telling jokes.

Although he can dish it out, he can also take it. When we went to the roast for Steve Geller, to his credit, he got us all back. He took all of our jokes and put downs and then gave it all back to us. They were not bad; but to see what he put up with, I had a song called “Kosher Cowboy” and the refrain was “They call him Bubba Geller” since he used to represent Collier County. He thought that he was a “Bubba” like everyone else. So “they call him Bubba Geller. Yeehaw, oy vey, they scream. He thinks he’s Lawton Chiles, when he’s more like Howard Dean.” He took it with good humor even after I repeated the song at the Press Skits.

That really is one of Steve Geller’s greatest qualities, his sense of humor. His other great quality, as we know, is his intelligence. Steve Geller is the past President of the National Conference of Insurance Legislators (NCOIL), he is an AV-rated attorney and he’s the founder and first President of the National Council of Legislators from Gaming States (NCLGS).

I remember the last day of session, last year, Mr. President, when he worked very hard with you on tax legislation. President Pruitt stood up and said “We’ve now answered the question, ‘Who is the smartest person in the Legislature? Is it Geller or is it Aronberg? It’s Geller!’” People laughed but Geller was like, “It’s even a debate?”

Steve Geller truly enjoys helping people. He really, really does. He gets a lot of satisfaction. He gets involved with a lot of our business. He does it because he cares about people. To this day, he has been working hard for the Democrats to get our bills heard. As a member of the “Gang of Three,” when I needed him most when I had a pari-mutuel bill up, he was one of three people to vote with me on the Senate floor, even though he lives in Broward County. He does it because he wants to do right by other people.

When I was running for office the first time, I didn’t know many people. I was 30 years old, running in my first race. Steve Geller offered to make fundraising calls with me. For all of you first-time candidates, you know how imposing that can be. So he took time out of his day at his law firm, every day, we’d make calls. If you’ve ever done a fundraising call with Senator Geller, it’s really interesting. Essentially, he calls up someone and says “Hello, this is Senator Geller. Can I please speak to Howard? Hey Howard, there’s a young man running for office here; Aronberg. He’s a good guy, he needs your help. But enough about him.”

He remains loyal to the end. The people he’s most loyal to, even though he loves all of us here, are the people sitting with him there. Laurel, his wonderful wife, and his great kids, Marc and Ben. Wonderful family. I think they are the spitting image of a young Steve Geller, Marc and Ben. This year was tough for Steve Geller. He doesn’t like to bring up negative

stuff. I’m only going to allude to it and I’ll let him talk about it if he wants to. He announced that he had to undergo some serious abdominal surgery. For the first time since I’ve known him, he seemed like he was confronted with his own mortality. He choked up a little bit at a Democratic Caucus meeting when he announced that he was undergoing the surgery because it put at risk everything that he loved. For that moment, we did see into the soul of Steve Geller and it was quite touching and it just shows you what is important to him. It is the institution of the Senate. It is the future of the State of Florida and most importantly, it is his family. Well, you can’t put off a speeding train. He was told he would be put off for months. He came right back. People didn’t even know he was gone. Same Steve Geller as ever.

For those who think he was ever going to slow down, this newspaper article is from his office and Gail said if I lost it, she’d kill me. This article is from Sunday, December 30, 1990. “Unexpected actions by politicians” was the headline. “Representative Steve Geller, above with colleagues, hospitalized with pneumonia, rolled into a Legislative Delegation meeting in a wheelchair with an oxygen tube up his nose to help Ben Graber defeat Peter Deutsch as Vice Chairman of the Broward Delegation.” Let that be a lesson to you, Senator Deutch. You don’t want to cross Steve Geller. He is loyal to his friends and that’s why he willed himself to get back here in record time.

It’s wonderful that this year, his final year in the Legislature, he’s finally been able to take a victory lap. I define it as a victory lap because this was his finest year. Not only did he have a hand in all the major legislation, but he was part of the “Gang of Three.” That’s a tribute to you, Mr. President, that you would allow the Minority Leader to have a say in what bill goes to the floor. After trying for many years, he was actually able to pass his autism bill. With the help of Senator Webster, the bill even had his name on it. To have everyone co-sponsor it in unison, it was truly a wonderful moment and I think, a great cap to his very impressive career.

So members, the Dean of the Senate—that is what he is, the Dean of the Senate—Steve Geller will be retiring from the Legislature this year. I really can’t imagine Tallahassee without him. But we know he will be back. Apparently he will be running for County Commission, shockingly. He’ll be back up here one day. He’ll be lobbying us about all the evil unfunded mandates that the arrogant legislators send down to local governments. It will be great to have him back because Steve, after 20 years of legislative service, you deserve all the “naches” you are getting today. Thank you for everything and God bless you.

**Senator Webster:** I’ve been trying to think about, “What are the reasons I love Steve Geller.” Is it because he is liberal and I am conservative? Is it because he is Jewish and I am Christian? He’s not real liberal, but he’s pretty liberal. Is it because he’s from Broward and I’m from Orange? Yeah, it is. He is different than I am, and I’m different than he is. But it is just a proof text to the fact, not just liking somebody but loving someone can go far beyond any of the other things that we put on.

Does he answer his phone “Senator Steve Geller?” Do I answer my phone “Hello?” Yes. I don’t even like talking on the phone. He loves talking on the phone. If he’s looking for me, I can expect a call at my business, a call at my legislative office, a call on my cell phone and a call at my home—all in a matter of about three minutes. He wants me. So, that is one of the reasons I love Steve Geller.

He is so persistent; persistent in the things he believes in; persistent in the legislation that he cares for; persistent in his money. Senator Carlton, you can have it today, but he is always looking for his money and that is being persistent and that is a great quality to have. To serve up here, you can’t get along without being persistent, because people don’t necessarily do what you want them to do. You have to persevere. He has done that and I think he is one of the quality legislators of our time. I think he set the stage.

I’ll tell you one story I remember. It was when he used to chair the Regulated Industries Committee in the House. He had the ability, Senator Aronberg, of holding court. You couldn’t have imagined what it was like. He could take everyone of those people who wanted racing dates and wanted jai lai and wanted Gulf Stream and wanted dogs and wanted this and wanted that and he would wrap them all up and give none of them what they wanted. None of them. Then, he would break out at the last minute the solution, and everybody would run behind, he wouldn’t even let them catch up with him. He would take off and they would be

running behind him because of his ring. And I'm not kidding you. That's the way it was. Once he was done with the bill, he would run outside and there would be this huge cheer that he had done what they wanted him to do. I loved that. I mean he could just hold court. Senator King knows that. Senator Jones knows that. It was hard for him to keep from holding court, even in Senator Jones' committee.

Steve, I personally will miss being here. I personally will miss being with you. I personally will miss all the great times we had together. You know one thing, too, about him, he kind of talks loud. Every secret plan that he had was known before it was ever let out, by the entire majority office staff. That is when he came to give me the secret plan. You bundle all of that up and that tells you why I love Steve Geller. I love his family, and I think he is going to have a lot more to his career. He is only 49 years old. There's plenty of time left, Steve, to make an impact. You already have and I know you'll make more. Thanks for being a part of this Senate, and thanks for letting me be a part of your life and it's not goodbye. It's just farewell for now.

**Senator Geller:** Senator Aronberg, it was a funny joke, if told properly. Senator Webster, I'll be talking more about you in a few moments, so I will save my remarks for your time, not mine.

Giving this speech today is one of the hardest things I've ever had to do. One of the reasons that it's the hardest thing I've ever had to do is because I'm not ready to go yet. I was elected to the Legislature in 1988. Bob Martinez was Governor. I was 29 years old. At 49 years old, which is what I am now, I just don't feel that I'm quite ready to retire. One of the reasons that I feel like I'm not ready yet, or don't want to leave is because I think that today I have the best job in the State of Florida. That is being a member of the State Senate. Not being Minority Leader but being a State Senator is the best job in the state. If you're watching this at home, it's certainly not because of the salary. I remember reading an article about 15 or 20 years ago where they interviewed people and asked them what they thought it would be like to have dinner with their state Senator or Congressman. People described riding out to the country estate and being greeted by the livery footmen and the magnificent dinner. People don't realize that the salary of a state Senator is about \$30,000 a year. Our staff makes more than we do. This part-time job can easily be, and typically is, a full-time job. The challenge for those of us that have other, outside occupations is to try and make sure that this job only takes half or two-thirds of our time.

Again, that's not the reason that this is the best job. The reason that this is one of the best jobs in the state is because, unlike in the House, any single member of the Florida Senate can really have a major influence in passing legislation. Some people say, "You know, there ought to be a law." Then they move on and talk about the weather. When one of us says, "You know, there ought to be a law," frequently there's a law. When we make phone calls, we can call people and try to help our constituents and try to influence other opinion leaders. When we make phone calls to just about anybody in the state, public sector, or private sector, they will take our calls. I remember about 12 years ago I called someone and I said, "This is Representative Geller, may I speak to so and so." The receptionist said, "Yes sir, who do you represent?" That's when you say you're a Representative. In the last 11 years that I've been in the Senate, I've not had one person ask me who I represented. I'm proud I've seen everyone of you welcomed to the Florida Senate. By virtue of being elected in a special election, that's why I'm the Dean. I've served longer than anyone here in the Senate. I've seen each of you elected and that's meant a lot. Another reason that I like being in the Senate, and again more than the House, is this chamber has the tradition of being the bipartisan chamber.

I remember when I was in the House of Representatives and the Democrats were in charge, we were always complaining about the Senate. We couldn't believe how conservative those guys were. Now if you look at what's happening over in the House run by the Republicans, leadership is saying how liberal the Florida Senate is. In fact, the Florida Senate has always been the more moderate, more bipartisan body. Senator Margolis, I know when you were the Democratic President you had Republican committee chairs. That tradition has been carried on by having committee chairs by the minority party. President Pruitt, I'll talk more about you also in your remarks, I have the greatest respect for the job that you have done.

I'm starting to see what I am afraid are disturbing signs for the future because of term limits, as more people from the House come over. There

could be an increase of partisanship in the future. I am begging the leaders of both parties to please ensure that the Florida Senate remains and keeps its tradition of bipartisanship.

Being a legislator for 20 years has meant a lot to me. I think that I've passed a lot of legislation that has helped a lot of people. Seniors, veterans, condominiums, lottery, a scholarship bill that was later renamed the Bright Futures Bill. I've become an expert in insurance and gambling, finance and tax, judiciary, growth management. As the President said, I started my first major piece of legislation with helping children. The Autism Bill, Mr. President, I'm still hopeful, but right now I think the bill is on life support. I started trying to help children. My last bill that I'm doing my best to pass is trying to help children.

The Legislature has meant a lot to me. Because of my legislative service, I was up in Washington at a legislative conference of the United Jewish Appeal. We broke into groups of about 300 people. We had a panel discussion. They introduced State Senator Lee Fisher from Ohio who went to Ohio State. People applauded. They introduced some city councilman and they also applauded. Then they introduced State Representative Steve Geller of Florida who went to Florida State. This real pretty young lady in the front row applauded loudly because she'd also gone to Florida State, although she started the year after I graduated law school. After the panel discussion was over, she came up to me and discussed how to get involved in politics in Florida. I thought she was real cute. I thought she should get involved with a politician in Florida. That was 18 years ago. She is now my wife, Laurel.

Let me talk a little more about family, because all of us have said that families are really the ones that bear all the burden of our public service. They are the ones that are impacted most. When we come here, when we go to night-time meetings and all of these things, they are the ones that are left when the music stops up here and we go home. When all of our best friends in the lobbying community don't remember who we are any longer, our family is what matters. When the music finally stops permanently for us, what really matters most to us is the way that we've treated our families and how they have treated us. That is the single most important thing that we have to deal with.

Let me tell you briefly about my parents. I grew up in the Ozzie and Harriet family which is the way my children are growing up. Working father, stay-at-home mom. My dad went to work and my mom stayed at home and raised four kids. All of us live in the South Florida area. We all see my mom all the time. We all worship her. My dad had a high school education and he worked ridiculous hours to make sure all of his kids had at least a college education. My brother and I are both lawyers. We are law partners. I was elected to the Legislature in September 1988. I was installed in November 1988. My father passed away unexpectedly of a heart attack in December 1988. I still miss him. I know that one of the greatest joys in his life was seeing his son elected to the Florida Legislature. I know how proud he was that day.

I've been told that I'm a clone of my dad; appearance, intellect, and temperament, I am a clone of my dad. Actually, my older boy, Marc, is my clone. I started calling Marc, "Chip," as in chip off the old block. Being the wise guy that he is, when I started calling him Chip, he immediately began calling me "Block." Then my younger boy didn't want to be left out, so Ben started saying, "I must be Splinter, then." Then we had to figure out what to call my wife. We all jointly came up with the name "Glue," because she's the glue that holds all of us together. So, Glue, thank you so much for keeping us together while I've been out playing politics. I remember when I was first elected, before we had the kids, how she would cry when I'd go up to Tallahassee for committee meetings. Of course, now that we have been married for like 80 years, she's like, "Oh, when are you leaving again?" Marc, Ben, I'm sorry I missed so many concerts, plays, soccer games, Scout meetings. But as I've told both of you so many times, and I think I have shown you, how much I love you. I'm sorry I missed so many of those meetings.

One story about them, which is why I never ran for Congress or Cabinet, and I've had opportunities where I could have run for either seat and had reasonably good chances of winning, I promised my children that I would not run for any higher office that would take me away from them more than I already am. That matters to me. A few years ago, the two of them came to me with the older one as ring leader, and said to me, "Daddy, we see all these political signs up. Are you running for higher office?" I said, "No, Marc, Ben. I promised you I wouldn't." Then Marc came up and said, "We just wanted to let you know that if you run

for higher office, we're going to hold up signs against you saying, 'Senator Geller isn't fair to his kids.'" Thanks, boys. Benjamin joined in and said, "Yeah, we're going to hold signs against you." Ben was three or four at the time, so I'm not sure he knew, but it was funny.

The months from October or November 2007 to October or November of 2008 are 12 months I will never forget. In October, it seemed like we had been in special session forever; we passed the property bill. Then in December, I had surgery for kidney cancer. I've been roasted and toasted this year. I was roasted the night before the start of session this year. Let me tell you, if you're ever offered the privilege of being roasted, decline. Then, just a couple of weeks ago I was so honored when you named the autism bill after me. Although that bill is on life support, I'm still going to keep on trying. We have plenty of time left.

Last night was the grand farewell finale, single-malt scotch tasting. We had 25 or more there, along with the Governor. There's a farewell party tonight. Over the summer, I'm a super delegate to the convention. I am planning on going to the Democratic Convention. That should be interesting. But then comes "Black Tuesday," November 4, 2008, is both the day that I get termed out of office and the day that I turn 50. Black Tuesday, that day I'll be wearing black all day. Senator King, as you referred to the meetings with the adult beverages, that will occur unless I just decide to stay in bed all day. That's not going to be my best day.

Members, it's time to start saying goodbye. There's a couple of people I want to say goodbye to. I made a lot of friends in the lobbying community. I've done that simply by not doing everything they have asked, but by doing one thing. I always told them where I was going to be and how I was going to vote. That's how I voted. It's one thing everybody seems to have appreciated. I'd like to say goodbye to the committee staff. The Florida Legislature is nationally known for the quality of our committee staff and again, that's been proven year after year.

I was privileged to serve as a Democratic committee chair under two separate Republican Senate Presidents. I'd like to thank the two staff directors, Tom Yeatman in the Community Affairs Committee and Jeff Poole in the Agriculture Committee. I'd like to thank the staff in the President's Office. You guys have been great. To call you great is to understate how good you guys are. The Governor once referred to me as the smartest guy in Tallahassee. No, that's Richard. Deputy Dog, you've been just so wonderful. Kathy, and everybody in the President's Office. David, I don't want to start naming names. The President's Office has been wonderful. I already spoke earlier today about the Democratic Office. My district staff, we have some of them here. Marty Cassini and Sammy Kalmowicz, they are both young lawyers. Marty, who will be running for public office himself at some time, deals with my legislation up here. Sammy is back at home dealing with constituents. They both have been great. I'm introducing Gail Schwartz as part of my staff, but I could have also introduced her as part of my family because, she's been family. My kids refer to her as Aunt Gail. She's worked for me since I started, 20 years ago and our relationship goes well beyond that in the legislative office.

Senators, I've been proud to have all of you as my friends and colleagues. Faye could tell us how many, but there's only a couple hundred people alive today that can wear this ring that says Senator, State of Florida. For those of you who haven't been a Senator, you can't understand the bond that we have with each other. Sometimes we may fight over specific issues, but the bond we have as Senators is something, whether past, present or future, that is indescribable.

I'd like to thank the Senate Democratic Caucus for the honor and privilege of electing me as your leader over the past two years. Although, sometimes, being the Democratic Leader, the Minority Leader, the job title is really "Cat Herder." Senator Wilson, your passion has just been a pleasure to watch, particularly when we're talking about your kids. Please take care of yourself, because you've made us all nervous about the state of your health. Please be careful. Senator Lawson, my successor, I've done everything I can to help smooth your way in as Democratic Leader. You have proven to be an outstanding friend and colleague and a tremendous support to me. I have not discussed Leader Webster and President Pruitt. I will do so when we're talking about them.

I'd like to thank my constituents who have given me the greatest honor that anybody could have. For 20 years, in three counties and more cities than I can count, they continuously elected me to the Legislature. The surprising part is, I polled my district recently, they actually still

like me. That's the interesting part. I've had a lot of people recently call me a statesman. I figured out what the difference is between a politician and a statesman. If you hang around long enough and you either die or retire, you move from being a politician to a statesman. If I'm becoming a statesman and those are the two ways, then perhaps retirement is not such a bad option, after all.

Marc, Ben, at the end of this week, Daddy is coming home. I won't be going away as much as I used to. I'll be there more.

## SPECIAL PRESENTATION

On behalf of the Senate, President Pruitt presented a framed copy of CS for CS for SB 185, [House Companion CS for CS for HB 165] (1989), the Amusement Ride and Attraction Act, to Minority Leader Geller.

## RECOGNITION OF MAJORITY LEADER WEBSTER

**President Pruitt:** When Tim Tebow was on the floor last week, Senator Wise thanked Senator Webster for his contribution to Florida's Heisman Trophy winner. We all smiled, but I wonder how many really understood the significance of those words of praise.

You see, before Tim went to the University of Florida, he was educated by his parents at home. They were able to choose the option to home school because Florida passed a law in 1985 making home education legal, a bill that was sponsored in the House of Representatives by Daniel Webster.

What's amazing about this bill is that Senator Webster sponsored the legislation as a member in the minority, way in the minority. In fact, I am pretty sure the entire Republican caucus in both the House and Senate could fit in a phone booth back then.

Senator Webster was a Republican in a Democrat-controlled House, with a Democrat-controlled Senate, a Democrat Commissioner of Education, and a Democrat Governor.

So how did this young member in the minority get such a groundbreaking piece of legislation passed? It started with a couple of dedicated families who wanted to change the law.

Very few people had even heard of the concept of home-schooling back then, including Representative Webster. There were no laws, no statutes, no rules on the books, and the courts were mixed on their decisions, until one court issued an opinion that said home education was really a matter of public policy, and that the Legislature needed to decide once and for all if it was going to be legal.

A few brave families led the charge to get a law passed. Two in particular, June Sullivan and a lawyer named Craig Dickenson met with Representative Webster to present their case and gain his support. Craig Dickenson and Senator Webster actually wrote the legislation that is framed before us today.

The road to passage wasn't easy. There were those who wanted to prevent home education in Florida, and in fact, the Education Committee Chair at the time, Representative Walter Young, filed an opposing bill. By the way, Senator Webster, Representative Young was the principal at my junior high school.

To add to the challenge, the concept was so new and so foreign that it was met with a great deal of skepticism. In fact, the typical response from most members, both Democrat and Republican was, "Why in the world would we want to do THAT?" But Webster pressed on.

During the process, there was one pivotal hearing. Families with their home-schooled children lined the front row of the committee. As the Chair flipped through the appearance cards, he suddenly stopped, put the cards down and announced that he was not going to choose from the people who volunteered to speak in favor of the bill, but he was going to pick people randomly from the audience to testify.

He pointed to an unsuspecting skinny kid on the front row who was only about 11 years old. The boy nervously made his way up to the podium.

Taking a deep breath to compose himself, he gulped hard, pulled the microphone down to his level and said, "Mr. Chairman, members of the committee, I want you to know, my future is in your hands." When he finished, the committee gave him a standing ovation, and, needless to say, they passed the bill.

Eventually, Chairman Young combined his bill with Representative Webster's bill. At the same time, the Senate version was working its way through the process, sponsored by Senator Dick Langley and Senator Karen Thurman.

Through a lot of hard work and earnest advocating, the bill passed both chambers. However, Webster's work was far from done.

Governor Graham was being lobbied pretty hard by then-Education Commissioner Ralph Turlington to veto the bill, and Governor Graham indicated that he was probably going to do just that.

Days went by and the veto clock ticked. Finally, the last day for the Governor to act came; Governor Graham had until midnight to make his final decision.

The ever-strategic Representative Webster didn't visit Governor Graham on the bill, but instead sent two Democrats: Craig Dickenson, the author of the bill and Dr. Larry Walker, a professor at the University of West Florida who was home schooling his two children because they had severe illnesses. The advocates talked and talked with hopes of turning the Governor but they left with no assurance.

A few hours later, Governor Graham made his decision. He didn't just let it go without his signature; he took the extra step to allow it to become law with his signature.

That fall, Daniel Webster started home-schooling his children.

I love this story because it points to the tenacity, the strategic mind, and the unwavering spirit of Daniel Webster. He is always thinking outside of the box, always breaking new ground, always finding a way to get the impossible done.

On behalf of the Florida Senate, we want to present you with your marquee bill, the Home Education Program Act.

Leader Webster, we cannot adequately express the gratitude, the appreciation, and the honor that is due to you for your service and your leadership, but we are sure going to try. I hope you will sit back and soak in every word of praise that the Senate has for you, it is certainly well deserved.

**Senator Lawson:** Members, it's truly a unique opportunity. Twenty-six years ago I met a man who came to this process with leadership and the type of integrity we really needed in the Legislature. Twenty-six years ago I met a man on a mission, a mission that we as Democrats had been in control of for about 125 years. I met a man who said that he was going to change the course of the Florida Legislature. We were talking about salary, Dan Webster came to the Legislature making about \$12,000 a year, not enough to take care of a family of six, then. And it has taken 28 years to get up to about \$30,000.

The most remarkable thing about Dan Webster is that we became very close. I spent an awful lot of time listening to Dan telling me about what he wanted to do. At that time, he was considered to be one of the most conservative members of the Republican caucus. You could just see the energy that was in everything he was doing, how he rose to be the Minority Leader and how many of my colleagues really respected him.

During that time, in 1982, many of the African American legislators were concerned because they didn't think that Dan Webster really understood our communities and many of the things that we were interested in.

But you know, Dan Webster proved my colleagues to be wrong. He started a process in this area. He met with many of us on a regular basis. I was so excited about him becoming Speaker, they had to calm me down on the other side. The Democrats had to calm me down; because I knew that there were going to be a lot of changes in Florida. Even when he started giving people the ability to home school their kids, I was very motivated, working in that area myself to sign off on that bill and at the same time, give the home schoolers the opportunity to play athletics in

the regular school districts. Some of my colleagues objected to it, but I thought it was the right thing to do. Now, you're talking about a person who came to this process who believed in family, who believed in personal security and opportunities for all individuals.

Let me tell you a little bit about Dan Webster. Many of my colleagues, especially the ones in the Black Caucus, embraced him. Dan became an honorary member of the Black Caucus. In fact, we gave him his Afro wig and his James Brown tape, "Say it Loud, I'm Black and I'm Proud." Dan attended many of our meetings and when he became Speaker of the House of Representatives, he didn't change. He being a Baptist and me, being an Episcopalian, we went to Bible study together, no difference. We also went to eat lunch together. I want to tell you where we ate lunch, in the heart of the ghetto, at Shingles Chicken House. It was just by coincidence that the President had chicken for dinner today. I thought it would be great if I presented Dan a picture of Shingles Chicken House to remember all of the good times there. Every time Dan looks at this picture, he's going to think of all the times we ate chicken together.

Even more important, how does a guy from Central Florida bond with a guy from up here in North Florida? I've always thought of them as being involved in a conspiracy. But I can tell you the reason why we bonded, because Dan Webster proved to me that he knew that there was nothing more important on a Friday than eating a Moon Pie and drinking an RC Cola. That set the standard.

But more important than that, you need to know that when we were trying to pass legislation involving the small and minority businesses, to give the minority businesses the opportunity to do business with the state agencies and to improve their communities, Dan Webster was there. You need to know that when we wanted to change the course of how funding went to the universities, to go out on Florida A&M University campus and to see university buildings that were actually boarded up, Dan Webster stepped up to help us resolve those issues, because that shouldn't happen on a university campus.

You need to know that many of my colleagues don't know how they got elected 10 years ago during reapportionment. Sometimes reapportionment might have been criticized from the Democratic Party. But I know, when Dan Webster came to me and told me that "We're going to make history, Al. We're going to draw some districts where for the first time in the history of Florida, we're going to elect some African Americans to Congress." The three congressional people that we had in Congress at the time of the election were Carrie Meek, Corrine Brown and Alcee Hastings. I can stand on the floor of the Senate today and tell you, had it not been for Dan Webster, none of those individuals would be serving in Congress today. That's the way it is. Many of my colleagues down in the House would not be serving without Dan Webster.

Dan Webster was fair. I didn't question a lot of his conservative views, whether I liked them or not, but he was a fair man. That's why it's so important for me to have the opportunity to give him some of the accolades that he should have today. I often make this statement, for many of us, one of our greatest Presidents stated that people "will little notice, nor long remember what we say here," but they "will never forget what we did here." Dan, I will never forget all that you have accomplished over these years and all the time that you spent with so many people, and the time that you share. A lot of people don't know you. But the people at the Chicken House know you, they really do. These are common people, just like you and me.

The things he talked about for his family, the opportunities to have for the family. You know, he is an engineering graduate from Georgia Tech, but he never waved a flag the way most of us do, during football and basketball games. He never waved his flag and stuck his chest out every time Georgia Tech beat Florida State, or somebody like that. He just kept on going on this mission. And God knows what he would have in store for Dan Webster. I can tell you that with Dan Webster leaving, Steve Geller, Lisa Carlton who I'm extremely close to, it's just hard for me to really take on a day like this.

But in closing I would like to say that I love this guy and that Dan reminds me of what was stated when William Henley wrote the poem *Invictus*:

Out of the night that covers me,  
Black as the Pit from pole to pole,  
I thank whatever gods may be  
For my unconquerable soul.

In the fell clutch of circumstance  
I have not winced nor cried aloud.  
Under the bludgeonings of chance  
My head is bloody, but unbowed.

Beyond this place of wrath and tears  
Looms but the horror of the shade,  
And yet the menace of the years  
Finds, and shall find me, unafraid.

It matters not how strait the gate,  
How charged with punishments the scroll,  
[You are] the master of [your] fate;  
[You are] the captain of [your] soul.

**Senator Fasano:** Senator Lawson, that is a tough act to follow, God bless you, sir. I'll only take a few minutes because I'm sure there are many other members who would like to say a few words about our Leader, our Senator, our former Speaker.

Senator Webster, Mrs. Webster, and the Webster family, thank you. Thank you for all that you have done not only for the people in your district and your community, but for the State of Florida and for the people up here in the Florida Legislature.

I had the honor to be elected in 1994 when we were in the minority party, and Dan Webster was our incoming Leader. Talk about fairness; Senator Lawson, you hit it right on the mark. Senator Webster is a true servant and as President Pruitt said before, whenever he signs his letters, whenever he signs anything that goes out to anyone, he signs "Your Servant, Dan Webster."

I bring that up because when he was Leader, he made a point of doing one thing, making certain each of us in the minority party passed a piece of legislation. His goal was before we left, before we sine die after 60 days of session, that one of our pieces of legislation that normally would have just fallen by the wayside, lost somewhere in committee, had gotten passed. I think Senator Garcia, Senator Villalobos, Senator Diaz de la Portilla, Senator Constantine, Senator Posey, Senator Carlton, Senator Saunders, we were all there. He made sure that we got a bill passed and were able to go home as a freshman member of the minority party and to brag just a little bit, you got something passed. It went a long way back home in our districts.

When I became a member of the Florida House, he made sure that I didn't get into the basement. I was able to share an office with Senator Wise and former Representative Fuller. I used to brag to people back home that in my second year, I was living with the Speaker of the Florida House. He made sure that I got a little of the money to come back home for our Boys and Girls Teen Center. He made sure that happened.

A lot of people describe Senator Webster with all kinds of accolades. One word I use is "character." Senator Lawson, I think you eloquently stated how he treats other people. He treats everyone as he would like to have them treat him, regardless of race, regardless of where you're from in this state, regardless of who you are, he treats you fairly and equally. We could all learn from that. I truly do try to learn from him. Over the years, I remember when he used to come to us as freshman members and he'd say, "Pick your fights. Make sure you know exactly what you're going to talk about. Don't get up to argue the point, just to argue the point. Make sure you get up there on principle and values and you do it and say it because you believe in it." So to just say "Thank you" to Dan Webster is minuscule. He has been my leader, my mentor, one of the best friends I have in this Florida Legislature. Somebody who I could just hope and pray I could emulate in some small way.

I'm a fan of term limits, Mr. President. Always have been. But when people say to me "What about Dan Webster?" That is the best argument against term limits. Just those two words, just that one name, Dan Webster. Leader, Senator, Mr. Speaker, thank you.

Thank you for what you've done for me, for my district. What I was able to accomplish over the years wasn't because of just me and my staff, it was with the help of Senator Webster. From the time I was elected in 1994 until just the other day when I was able to get a bill out of committee and get it to the Special Order Calendar for today. He cares about every one of you and every person in this Florida Legislature. He cares about his family, his friends and the people back in his district.

Character, that's what it's all about, and that's you, Dan Webster. Thank you, sir.

**Senator King:** I'll be brief because I don't want to take up any of your time. How many times have we gone head to head. How many times have we sat in chambers and fought together. How many times have we complimented each other on the fights that we had; not between us; not amongst us; between us and them. And then we became them. That was great, too.

A few things that I would say about Dan Webster, because I think they need to be said. You know we went head to head for the Speakership in the Florida House and Dan beat me. It was a heartfelt fight. It was toe to toe and it was close. It didn't get ugly. It just got intense. So after the thing was over with and before he was sworn in, I said to all of my followers, "You know it is going to be kind of grim. We might be bussed in from Monticello, you know, because he is going to be the Speaker."

To his credit, the first thing he did was to make me his Majority Leader, an unheard of thing in politics in Florida up to that point. Because back then, when you lost, you really lost. The only thing you didn't do was take off your head. But Dan enveloped me in his administration. Dan, I learned a great deal about ultimately leading by having served you as your Majority Leader. We had a great time. I've often told people it was the best job I ever had, maybe even including the presiding officership because of who I matched up with.

I will always remember the fact because we were locked in combat for the presidency of the Senate as well. I remember Dan calling me. It was around Christmas time. It was nip and tuck and it was only a few votes difference and he called me. He said, "Jim, I've made up my mind." He said, "It's yours. I've got to step aside. I'm not going to fight anymore." I thought to myself, "What a gracious man that was." What a gracious man he is and what a principled man he is. He and I, as many of you know, are as different as night and day, in many things we do in our lives.

I hope you don't mind me retelling this one. He was talking in the House, when he was Speaker and I was Majority Leader, about the ritual he follows when he gets up in the morning. He prepared himself by getting out the Bible and reading the scriptures. He said it made the morning go really well. I, being a loud mouth even back then, couldn't resist it. I said, "Mr. Speaker, I follow a ritual, too. About that same time in the morning, I'm getting home, getting ready to shower and getting ready to go to work."

The shoes that you leave are big shoes to fill; maybe they will never be filled. I've never known anybody who was as principled. I've never known anybody who was unshakeable in what he or she thought was fairness. I've never known anybody who was as inclusive in making sure that everybody felt they were important. It is a natural talent you have. I know that either Congress or the mayorship in Orlando is soon going to have the benefit of a Dan Webster in its home, well deserved. I've learned a lot from you, my friend. Thank you very much.

**Senator Peaden:** I came to the Legislature in 1994. I was on the other side of the fence. I met this guy. We talked. It sounded like the fence that he was on the side of was a little more compatible with where I'm from. I never will forget watching him on the floor. I was kind of analytical and I knew he was an engineer. I tried to figure out how the seating pattern was arranged over in the House. It was unique. By the time we'd been there a couple of weeks, I figured out what the layout was and how he'd planned it. It wasn't by happenstance at all.

That was about the time that Lois Frankel was sitting next to John Thrasher. John voted for her a lot. She had a real good record, a conser-

vative record that year. I don't know if you all remember that or not but I watched every move he made since I was about to make this change. I made this change. I had an opportunity to file a bill about medical education, health care education. My bill came up in about the last meeting, just like most of these meetings where everyone's running around holding blue cards trying to get their bills pulled. I was glad to have my bill heard. It was one of those bills that on the last part, it was so bad that even the people in Northwest Florida voted against my bill. I felt real uncomfortable about it and it passed in one committee.

I learned quickly that Dan was an idea guy. If you had a good idea, he thought you ought to look at it. He thought it was worthwhile and he asked for a study. Basically the study that he authorized validated what we said about the needs of Florida. We looked at the study and Dan said "Maybe we ought to do another study and look at the positive things." Those positive things validated what we said to begin with. Back then in this state, everybody's opinion was maybe the research ought to be done by private companies and the state shouldn't do research. Maybe we didn't need any more medical schools back then. Maybe nobody knew the value of those things. Dan Webster was analytical enough that he thought it ought to be looked into and the idea ought to be investigated.

Mr. President, we developed a medical school and now we have nine medical schools. There would never have been a medical branch in Ft. Pierce if it hadn't been for Dan Webster allowing an idea to be heard. Senator Atwater, you probably wouldn't have a SCRIPPS down there and you wouldn't have a medical school at Florida Atlantic if Dan Webster hadn't allowed an idea to be heard. Senator Constantine, your alma mater wouldn't have a medical school and it wouldn't have all the places to do research if Dan hadn't been enlightened enough to allow an idea to be studied. You tend to look at things differently when they say, "Well, that school and that research might be worth about \$1.2 billion to our community if we do that."

Everybody wants to do that now including Senator Diaz de la Portilla. He passes legislation about medical education and things like that. Senator Webster, I can't say enough about you being open-minded to ideas that help develop good things for the people of Florida, especially for those of us who are getting a little bit older. I think one of your studies recognized geriatrics as one of the most costly items in our state. Maybe we ought to educate some folks to take care of senior citizens. Thanks to Dan Webster, we've been able to do that.

**Senator Posey:** Every Senator and every member of staff in the room, of course, wants to thank you, Sandy, and every member of your family, for the sacrifices that you have given to share your husband/father with us. There is not a person in this room, and probably not in the gallery either, if they have been around longer than a week, that is not a better person because your husband/father served.

When many of us arrived here back in the day, things were different in the House. I don't know if they were that different, but at least the other side was in charge. If you were in the minority, you didn't get your bills heard. Our senior member was Senator Webster. At the time there were over 100 committees, subcommittees, and select committees in the House. Over 100! Our senior member wasn't even a vice chair of a single committee. It was that rancid; it was that partisan. It was not pretty; it was very, very ugly. But the political climate was changing. Within four years, there was a dramatic change.

I remember getting a phone call. At the other end of the phone was a person who I told you yesterday was the most principled person I have ever met. Not the most principled politician, but the most principled person. He said, "I'm thinking about running for Leader, maybe to be the Speaker someday. How about you sign a proxy for me?" I really didn't know what a proxy was at the time. I knew that people in our homeowner's association who were always killing each other, always wanted my proxy. I said, "Dan, I don't know. I don't do proxies very well, buddy." When the conversation ended, I sat there and thought about it for a couple minutes. I thought, "You know, I don't care if it's wrong, he's getting the proxy." So I called him back and said, "You fax it to me and I will fax it back to you, Dan." So I did. That was when there were nine other members pledged to Dan Webster to be the Speaker. Some people called us the "Dirty 10." Most people I encountered said it was the stupidest thing that I ever did in my life. "That Webster guy is a religious zealot. There is no way he will ever be Speaker of this House. If he ever was, it would be the worst thing that ever happened." Well, history shows they were wrong on every count. Dan never told me about his

morning ritual. He doesn't wear that on his sleeve. Carl Littlefield was telling the story about when he wakes up every morning and Dan was taking his time in prayer. Senator King said, "That's about the same time I'm coming in for a shower." It was pretty hysterical and showed clearly a difference that was there.

When Representative Webster became Speaker Webster, many Republicans said, "Now it's our turn. Now let's show them what it feels like to get hammered every day." I almost hate to use the term, but there is a member of the House that is kind of surly. A lot of times they get up and talk and it's like nails on a chalk board. I don't have to tell any member of either party who I'm talking about. I was about that bad. I was to the point where I was getting surly because it seemed like we were dogs and every time they walked through they kicked us in the mouth. When that happens to you enough you start getting ready to bite back. Sooner or later you can make a dog angry, make a dog mean. Many members wanted retribution for the way the Democrats treated us. But as you have heard Senator King explain, Senator Webster has the heart of a servant, the heart of a servant's mind, and the heart of a servant's motives. Senator Webster rewards his enemies, his adversaries. Not a lot of people are that big.

When Senator Webster had control of the House he did what every single one of us in the room hopes the U.S. Congress will do. He said, "Enough is enough. We are going to put partisanship aside. We are going to operate this House on principles." He whittled over 70-80 committees down to approximately 30. The agenda wasn't set in the Speaker's office. You remember how the agenda used to be set; all the guys from the lobby in the Speaker's office, with smoke-filled rooms. Then in Speaker Webster's House, the agenda was set in public. The chairman and vice chairman of every committee set the agendas. At least the vice chairman of every committee was a Democrat. Through his whole career, it was only in the last two years he'd even been made a vice chair. Senator Lawson, you were a chairman. There were some Democrats who were chairmen. He really stopped the partisan insanity and brought civility back. Both sides respected that. The Democrats, I think, to this day are happy with the two years they served under Senator Webster in the minority. I think to this day he's respected because of that. We appreciate what you did, Senator Webster, when you had the opportunity to stop the insanity and put principle before party and politics. You did it. You didn't talk about it; you did it.

We all have Legislator/Senator of the Year awards. We'll have plenty more of them. I think truly, if we are going to name a Senator of the Decade, a Senator of the Century, a Lawmaker of the Millennium, it would have to be Senator Dan Webster. Dan, we love you, man. God bless you.

**Senator Wise:** D is for **Different**—Daniel Webster's approach to power is **DIFFERENT**. When Senator Webster was Speaker he spread the power of influence and decision making to the lowest level contrary to the practice at the time. He was different.

A is for **Advice**—Dan seeks **ADVICE** from the Bible each day on issues that directly have an impact upon the Senate and its membership.

N is for **Nurture**—Dan **NURTURED** and encouraged many of us to become the best in what we do both on and off the legislative playing field because there is life after we leave this process.

I is for **Integrity**—Senator Webster is the persona of what **INTEGRITY** means. If he says it, you can count on it.

E is for **Example**—Dan has set the standard for each of us to be an **EXAMPLE** for future generations.

L is for **Leader**—We all know Dan was the Republican Leader in the House and in 1996 he became the first Republican Speaker of the House in more than 100 years. For the past two years he has been the Republican Leader of the Senate.

What about a name like **WEBSTER**? W is for **Wisdom**—Dan has the uncanny ability to look at a situation and see what is right, not what is wrong. His training as an engineer from Georgia Tech has been an added advantage. He has often quoted the Bible using the verse from Deuteronomy 6:16 which says "Do what is right and good in the sight of the Lord."

E is for **Encourager**—Dan's goal is to **ENCOURAGE** each of us, no matter what the party affiliation, to reach our full potential.

B is for **Bright and Bold**—Dan is **BRIGHT** beyond comprehension. Because of his **BOLDNESS**, he made a paradigm shift in the legislative structure when he became Speaker. His concept was emulated in the Senate under President Pruitt.

S is for **Speaker**—I believe that God placed his man Dan Webster as **SPEAKER** of the House in 1996 because no one would ever believe that could happen or would happen.

T is for **Teacher**—If you want to learn the Rules and the process, you could not find anyone more adroit than Daniel Webster as your **TEACHER**.

E is for **Endure**—In this process, you must be able to **ENDURE** the good, the bad, the press, and the pressure. Dan did that by his faith and daily reading of the Scriptures.

R is for **Reputation**—Daniel Webster's **REPUTATION** as God's servant in our Legislature is also known across America. In fact, in the mid 90s on ABC's "Good Morning America" show, a well known person stated, and I quote, "Florida State Representative Daniel Webster is the most dangerous legislator in America and he needs to be defeated in this year's election." Well God protected Dan and no one ran against him—in fact he has never had an opponent since the very first time he ran for public office.

Senator, Mr. Speaker, you will be truly missed by one and all. May God continue to bless you and your wonderful family.

**Senator Geller:** I guess we are both going and that's probably appropriate because we have spent so much time over the last couple of years together that I'm not sure what I would do up here if he wasn't here, and possibly the reverse. We were dealing with every major issue—property insurance; taxes; Constitutional amendments. It seemed like on every issue Senator Webster and I were talking every day. I had to call you at all four places because when I needed to talk to you and you weren't at one of the places, I would just run down the list until I found you.

In 1990 he probably was the most dangerous legislator. This process has a way of mellowing all of us and rounding off the sharp edges and bringing a lot of us closer together. I was elected in 1988. You were, at the time, many of the things you still are today. You were a Boy Scout—brave, honest, thrifty, reverent, trustworthy.

Over the past couple of years we spent so much time together that I think the edges have been rounded off. I have a picture in my office that was sent to me by the Senate Majority Office and it shows Dan and me. I think my face was taped over a picture of the President when he and Dan were talking. It has voice bubbles. One of them says, "I miss you when you're gone." It says "Best Friends Forever" on it, "BFF." Dan, that makes you my BFF.

We are so different philosophically, but alike in so many ways. I don't know if people know that I recently nominated Senator Webster for a National Legislative Leadership Award. I would like to read the nomination letter because I think it says it a lot better than I can.

Dear Selection Committee:

Senator Daniel Webster is the Majority (Republican) Leader of the Florida Senate, and is a former Speaker of the Florida House of Representatives. He is one of the most conservative, anti-gambling, fundamentalist Christian members of the Senate.

I am the Senate Minority (Democratic) Leader of the Senate, a moderate to liberal Jewish, pro-gambling senator. I have the privilege of nominating Senator Daniel Webster for the William M. Bulger Excellence in State Legislative Leadership Award.

Under the direction of our Senate President, President Ken Pruitt, the Florida Senate has become a model of how a bi-partisan Senate should be run. Although there are 26 Republican Senators and only 14 Democratic Senators, Senator Webster and I meet virtually every day during session and work together to ensure that both political parties' agendas are advanced. The Republicans could try and roll over the Democrats, yet they don't, and as a result we have a great deal of harmony in the Florida Senate.

Senator Webster is one of the most decent human beings I have ever met. I believe his tongue would fall out if he tried to tell a lie. Although he is devoutly religious, he does not try and impose his religious beliefs on other people, and is one of the few people in public life that I have ever met who actually lives his life according to his religious beliefs. He is universally respected among both conservatives and (sometimes grudgingly) liberals, and has taken a central role in resolving virtually every major issue in the Florida Legislature. He has generally been our lead negotiator with the House of Representatives because of the broad respect which that very conservative body has for him.

Senator Webster has brought dignity and stature to the Florida Senate. I am pleased to nominate him for the William Bulger Award.

Sincerely,

*Steven A. Geller*  
State Senator  
Senate District 31

I meant every word in that letter. Senator Webster, you have brought dignity, respect and stature to the Florida Senate. You have become one of my closest friends, probably my closest friend here in the Florida Senate. Probably because we are so much alike. On those weeks where there's a couple of days that go by and I'm not talking to you about some issue, I kind of go through withdrawal. I have to call him just to keep in touch. Senator, you know for two years I have been saying that I have been wondering when that other shoe was going to drop. It never did. So you can have the other shoe now because I no longer have to wait for it to drop. Mr. President and members, I think we all owe a debt of gratitude to Leader Webster.

Mr. President, I move that we take up **CS for SB 1604** instanter.

### BILLS ON THIRD READING, continued

On motion by Senator Geller the Senate resumed consideration of—

**CS for SB 1604**—A bill to be entitled An act relating to designations of state facilities; designating the Major Claude A. Gmann Memorial Highway and the Deputy Wayne Koester Memorial Highway in Lake County; designating Lt. Colonel Robert T. Heagy, Jr., Memorial Highway in Marion County; designating Cutler Bay Boulevard, Palmetto Bay Boulevard, American Legion Way, Honorable Robert B. Ingram, Ph.D., Boulevard, Father Emilio Vallina Avenue, and Bishop Victor Tyrone Curry Boulevard in Miami-Dade County; designating United States Army Specialist Brandon Tyler Thorsen Memorial Highway in Levy County; designating John E. Andrews Boulevard, George Matthews Boulevard, Angela Webb Hammonds Boulevard, Willie F. Faust Boulevard, and James H. Argrett, Sr., Avenue in Duval County; designating Veteran's Memorial Parkway in Sarasota County; designating a bridge in the city of Sarasota as Gil Waters Bridge; designating Raquel Regalado Avenue in Miami-Dade County; directing the Department of Transportation to erect suitable markers; designating the Joseph P. Bertrand Building in Fort Myers; authorizing the Department of Management Services to erect suitable markers; designating Reverend Dr. C.P. Preston, Jr. Street in Miami-Dade County; authorizing the Department of Transportation to erect suitable markers; amending s. 589.19, F.S.; designating the state forest in Seminole County as the Charles H. Bronson State Forest; designating Rolando Encinosa Road, Henry Levy Boulevard, Manuel Feijoo Avenue, All-America Parkway, Katherine Fernandez Rundle Avenue, Judy Drucker Boulevard, Will James Johnson Road, Martha Flores Way, and Rabbi Barry Tabachnikoff Avenue in Miami-Dade County; directing the Department of Transportation to erect suitable markers; authorizing certain alterations of Old Cutler Road in the Village of Palmetto Bay; requiring the official approval of the Department of State before any alterations may begin; providing an effective date.

—which was previously considered and amended this day.

### MOTION

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

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

**Amendment 2 (487614)(with title amendment)**—Between line(s) 314 and 315 insert:

Section 32. *Senator Daniel Webster Building designated; Department of Transportation to erect suitable markers.—*

(1) *The Department of Transportation Turnpike District Headquarters Building located at the Turkey Lake Service Plaza at Turnpike Mile Post 263 is designated as the “Senator Daniel Webster Building.”*

(2) *The Department of Transportation may erect suitable markers designating the “Senator Daniel Webster Building” as described in subsection (1).*

And the title is amended as follows:

Delete line(s) 36 and insert: designating the Senator Daniel Webster Building in Orange County; directing the Department of Transportation to erect suitable markers; providing an effective date.

### CO-INTRODUCERS

On motion by Senator Geller, all Senators voting yea, not previously shown as co-introducers, were recorded as co-introducers of **Amendment 2 (487614)**.

On motion by Senator Geller, **CS for SB 1604** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—40

Mr. President	Dockery	Oelrich
Alexander	Fasano	Peaden
Aronberg	Gaetz	Posey
Atwater	Garcia	Rich
Baker	Geller	Ring
Bennett	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—None

**Senator Webster:** Mr. President, I'm not sure what to say. Somebody asked me, "How long have you been here?" I said, "My first Page is now a grandmother." It's true. Somebody topped that for me the other day. Representative Will Weatherford came up to me and said, "I was born on the day you were elected." So I've been here a long time. It just seems like a short time. Senator Garcia, it just seems like the other day you were the youngest member of the Florida House. You still look pretty young. Were you twenty-one or twenty-two? Twenty-one, amazing. Youngest elected member of the Legislature. It seems like yesterday. It's kind of hard to sum up 28 years in a few minutes. I'll try to do it if I can.

I was the son of Mildred and Dennis Webster. I'm proud of them. They were great instillers of character in me. That's where I got it, from them. Whatever good that is in me is due to the investment of God and others and it took place and started with my Mom and Dad. Whatever bad there is, is my fault.

Sandy and I got married and had two small boys. I was minding my own business. I was appointed by our church as the Building Committee Chairman, just a volunteer job. We bought this house on the corner of our property where the church was. It was my job to go down to the county and ask for the zoning exception to use it one hour a week. So I did. I didn't know anything about politics. I voted and that's about all. So we went down there and they had the zoning adjustment board hearing. Then it went to the County Commission. They turned it down. So I asked, "Why did you turn it down?" They said "Well this is adverse public policy." I said, "Adverse public policy, this is the United States of

America." I didn't know, so I asked this question which changed my life. I said, "Who sets public policy?" Somebody said the Legislature. I said, "Okay, I'm running for the Legislature." I had never been to Tallahassee before. I had never seen a gavel, a chamber or anything else. Didn't know anything about it. I just set up and ran. Flew up here. We had multi-member districts back then, so you ran countywide. I flew up here on the last day, two hours before qualifying. Paid my money and I was running. Had a primary, a runoff and a general election. I raised the grand total of \$16,000. That wouldn't get you very far today and really shouldn't have gotten me very far then. It was the First Baptist Church of Pine Hills. I was from Pine Hills. That is where I went to high school and everything else. I lived in Pine Hills. I didn't go very far away from that place. Senator Siplin represents that now. That is my roots. That is why I didn't want them to move Evans High School.

Somebody gave me this little book on how to run for office. It's called "In The Spirit of '76." It's a little manual so I looked at it. The first chapter was the extra early start, so I missed that. It had 12 or 13 chapters. I flipped over and finally got to chapter 8. That was it. Fast finish.

We had all these workers. Many are in the gallery. They were all way, way young then, just like I was. They are older now, just like me. But they went door to door, that's all we could do. People told me there was no way to win. I remember telling Sandy after the last event we went to on the Saturday or Friday before the general election, "We are going to lose." She said, "Why?" I said, "Every person I ran into said you are a nice guy, but you are going to lose." So sure enough the results came in and I lost. They had my opponent on the TV interviewing him and he had won. We had a little victory party because that little book said you were supposed to have a victory party. The party too, was made up of some of our friends in Pine Hills. Everybody went home. That was it. It was over. They declared the winner, so everybody went home. I got a call. This was in the days of real manual balloting. You walk in and close the curtain and you pull the lever. So everything was manual then. Senator Constantine, it's a little different now. They called me and said it was a little close. They wanted me to go down to the elections office. So I did.

I went down to the Supervisor of Elections' office and walked in the door. There was only one person I knew there. He said, "It is a tie vote." A tie vote. I didn't know they had tie votes. He said, "No, no, there is one area left." I said where is it? He said, "Pine Hills." Anyway, I won. I came up here and I started serving.

Senator Wise mentioned I've been unopposed a long time. Matter of fact, John Guthrie told me four or five years ago that I had passed the amount of time you could go without being opposed. That is by the grace of God. There is no reason why I shouldn't have had an opponent. There were all kinds of things I did that should have deserved opponents. I just didn't get them. I am very grateful for that. I served under seven governors. I've served with 439 different members of the House of Representatives. I've served with 210 different Senators, along with 13 Speakers and 14 Presidents of the Senate during the time I was here. I am just grateful for the time I've been here. I would like to thank all those people. They all had an impact. It is not just the people here today. It's the people that were here yesterday and the day before, back to the time that Ralph H. Haben was Speaker of the House. Senator Jones, you remember him. They all had an impact on my life.

I would like to thank people, my two good roommates. Actually Senator Wise and Senator Posey were part of the "Dirty 10." We adopted Senator Fasano. When he got here, he didn't know any better and he joined us. Senator Geller, whom I've already talked about, thank you for giving me a shoe and naming a building and other things. Senator Peaden, thank you. Senator Lawson, thank you, I love Shingles. It is a great place to eat. It's different. It's great. They don't even have air conditioning over there. It's hot! But it's good. All the rest of you have impacted me. I've always been an observer, I watch people. I see how people speak and what they do. I just enjoy it. I enjoy this process and it's good to be here.

I would like to say "thank you" to my staff. Ann Drawdy, who has served me for 16 years as my Chief Legislative Assistant. Cindy Brown, who has been with me for 10 years. Jaryn Emhof who has been with me for six years. Actually if you go back when she interned in the Speaker's office, it's been longer than that. I appreciate all that they have done and the other staff that I've had in the past, Kathy Mears, Sherry Churchill and some others, I appreciate them too. They have all served me well and made me successful.

I came here with three things. First, I came with a family albeit a little bit smaller at the time. There was a run of pregnancies, it was awesome. We had four Websters at the time. Two boys, four and two years old. Now we have 15 Websters, all named Webster. I'm leaving with a bigger family and I'm grateful for that. [Senator Webster introduced the following family members: David and Angela and their three children, Benjamin, Sarah and Jonathan; Brent and Regina and their two children, Daniel Grant and Ellie; and children still at home Jordan, Elizabeth, John and Victoria; in the gallery sister Pam and brother-in-law Bill Brown.]

I came with some principles. Those principles were later put into the analysis in the House; less government, lower taxes, basic freedoms are principles I'm going to leave with. I came with faith, it's no secret that I'm a follower of Jesus Christ. It's been written about in the paper, talked about on the floor, talked about out there, so it's no secret. I have been open to anyone that would be open to my telling them about it. Those that didn't want to hear about it, they didn't. It just is a fact. I had faith when I came here. I'm going to leave with that very same faith. I came with a family. I came with a set of principles and I came with faith. I'm going to walk out that door in a few days and I'm going to carry them with me. I've got some quick advice. This may not apply to everybody, I'm just going to give you my advice. I have three don'ts and three do's. The three don'ts: Don't go to Clydes. Don't make it personal. Don't burn any bridges. The three do's: Do rise early. Do read the Bible. Do serve others. Three don'ts and three do's. I'm saying goodbye today to most of you because there's a good possibility that we won't see each other again. The people in the gallery and the people here on this floor. We'll see a few, but not many. So for most of you I'm saying goodbye. For a few of you I'm saying so long for a certain time. No one person, or no sitting body, whether it be House or Senate, is greater than the institution.

If I could leave you with one thing it is this: just protect the institution. People will come and go. Bodies will come and go. The institution will stay. God bless you and thank you for all you've done.

I have a wife and I want to say something special about her. I couldn't serve without a wife. I couldn't have been here without someone to hold down the fort. Just like your wife did, Senator Geller. The fort kept getting bigger, but it still worked out. We started our home education because I saw in those kids something that I'd like to emulate in my kids. But more important than that, I felt I was gone and when I came home I was so tired I couldn't see them. So I said, "We'll take them with us." Home education. I didn't home educate our children, my wife did. I didn't raise my children, although I wanted to be an example, my wife did. I didn't instill a lot of the things that they have, she did. They are children of a good character. Sandy, thank you for everything you've done for me. Thank you for allowing me to serve these 28 years. Thank you for holding down the fort. So with that, I say good-bye. Thank you for the great time I've had here.

**SPECIAL PRESENTATION**

On behalf of the Senate, President Pruitt presented a framed copy of CS for HB's 50 and 326 (1985), the Home Education Program Act, to Majority Leader Webster.

**LOCAL BILL CALENDAR**

**HB 487**—A bill to be entitled An act relating to Pasco County; repealing chapter 71-841, Laws of Florida, relating to the issuance of special alcoholic beverage licenses to restaurants accommodating at least 200 patrons and occupying more than 4,000 square feet of floor space; providing an effective date.

—was read the second time by title. On motion by Senator Fasano, by two-thirds vote **HB 487** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Joyner	Margolis	Ring
Justice	Oelrich	Saunders
King	Peaden	Siplin
Lawson	Posey	Villalobos
Lynn	Rich	Wilson
Nays—3		
Storms	Webster	Wise

**HB 507**—A bill to be entitled An act relating to Bradford County; providing career service status for certain employees of the Bradford County Sheriff's Office; providing definitions; providing for transition between administrations; providing for appeals procedures; providing for career service appeals boards; providing proceedings and provisions with respect to disciplinary suspension and dismissal; providing severability; providing an effective date.

—was read the second time by title. On motion by Senator Oelrich, by two-thirds vote **HB 507** was read the third time by title, 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
Bennett	Haridopolos	Ring
Bullard	Hill	Saunders
Carlton	Jones	Siplin
Constantine	Joyner	Storms
Crist	Justice	Villalobos
Dean	King	Webster
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise

Nays—None

**CS for HB 791**—A bill to be entitled An act relating to the DeSoto County Hospital District; amending chapter 2004-450, Laws of Florida; providing the nature of the district; providing for sovereign immunity; providing additional powers of the district; revising provisions relating to the destruction of records; providing for treatment of prisoners or county officers admitted to any hospital operated or leased by the district; providing for personnel; providing contract requirements for lease of facilities to not-for-profit corporations; providing for self-insurance plans; deleting certain requirements for insurance policy contracts; providing for liens for collection of charges; providing applicability; providing an effective date.

—was read the second time by title. On motion by Senator Bennett, by two-thirds vote **CS for HB 791** was read the third time by title, 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
Bennett	Haridopolos	Ring
Bullard	Hill	Saunders
Carlton	Jones	Siplin
Constantine	Joyner	Storms
Crist	Justice	Villalobos
Dean	King	Webster
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise

Nays—None

**HB 889**—A bill to be entitled An act relating to Hillsborough County; amending chapter 2004-414, Laws of Florida, relating to projects for which payment and performance bonds may be waived for the construction of a public building, for the prosecution and completion of a public work, or for repairs on a public building under certain circumstances; increasing the number of such projects on which a small business may successfully bid before becoming ineligible for certain additional bidding; extending the sunset date of chapter 2004-414, Laws of Florida; providing an effective date.

—was read the second time by title. On motion by Senator Joyner, by two-thirds vote **HB 889** was read the third time by title, 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
Bennett	Haridopolos	Ring
Bullard	Hill	Saunders
Carlton	Jones	Siplin
Constantine	Joyner	Storms
Crist	Justice	Villalobos
Dean	King	Webster
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise

Nays—None

**HB 933**—A bill to be entitled An act relating to the Indian Trail Improvement District, Palm Beach County; amending chapter 2002-330, Laws of Florida; expanding the territorial boundaries of the district; providing an effective date.

—was read the second time by title. On motion by Senator Deutch, by two-thirds vote **HB 933** was read the third time by title, 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
Bennett	Haridopolos	Ring
Bullard	Hill	Saunders
Carlton	Jones	Siplin
Constantine	Joyner	Storms
Crist	Justice	Villalobos
Dean	King	Webster
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise

Nays—None

**CS for HB 935**—A bill to be entitled An act relating to the Marion County Hospital District; codifying, amending, reenacting, and repealing special laws relating to the district; providing a status statement; providing legislative intent; providing definitions; providing boundaries of the district; providing for a board of trustees of the district; providing for appointment of board members; providing powers and organization of the board; providing for a hospital or clinic in the district; providing for construction funds for such hospital or clinic; providing for a training school for nurses; providing that the board has the power of eminent domain; providing for the board to borrow money; providing for general obligation bonds; providing for taxation; providing for board approval of bonds; providing procedures for bond elections; providing for form and type of bonds; providing for resolution authorizing bonds; providing that the board may include more than one improvement or hospital purpose on a bond issue; providing for advertisement and publication; providing

for refunding bonds; providing for legal investments; providing for revenue bonds; providing for payment of funds by warrant; providing for levy of ad valorem tax; providing for taxes to be authorized by resolution; providing for payment of expenses; providing for contractual authority; providing for publication of annual statement; providing that hospitals or clinics shall be established for the benefit of residents of the district; providing for rules and regulations regarding physicians; providing that the board may secure insurance; providing for construction; providing for record destruction; providing severability; repealing chapters 65-1905, 69-1296, 70-802, 71-764, 71-765, 71-766, 71-767, and 75-437, Laws of Florida, to conform; providing an effective date.

—was read the second time by title. On motion by Senator Baker, by two-thirds vote **CS for HB 935** was read the third time by title, 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
Bennett	Haridopolos	Ring
Bullard	Hill	Saunders
Carlton	Jones	Siplin
Constantine	Joyner	Storms
Crist	Justice	Villalobos
Dean	King	Webster
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise

Nays—None

**CS for HB 973**—A bill to be entitled An act relating to the South Indian River Water Control District, Palm Beach County; amending chapter 2001-313, Laws of Florida; providing for the dedication of certain nonpublic roads within the district to the public for district maintenance; providing requirements for such dedication; providing for prima facie evidence of district ownership of a road; exempting certain property of an electric utility; providing a method of claiming interest in affected property; providing an effective date.

—was read the second time by title. On motion by Senator Deutch, by two-thirds vote **CS for HB 973** was read the third time by title, 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
Bennett	Haridopolos	Ring
Bullard	Hill	Saunders
Carlton	Jones	Siplin
Constantine	Joyner	Storms
Crist	Justice	Villalobos
Dean	King	Webster
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise

Nays—None

**HB 999**—A bill to be entitled An act relating to the Fort Myers Beach Fire Control District, Lee County; amending chapter 2000-422, Laws of Florida; amending the boundaries of the district; providing an effective date.

—was read the second time by title. On motion by Senator Saunders, by two-thirds vote **HB 999** was read the third time by title, 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
Bennett	Haridopolos	Ring
Bullard	Hill	Saunders
Carlton	Jones	Siplin
Constantine	Joyner	Storms
Crist	Justice	Villalobos
Dean	King	Webster
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise

Nays—None

**HB 1031**—A bill to be entitled An act relating to Lee County; amending chapter 74-522, Laws of Florida, as amended; revising the qualifications for employment or reemployment as a classified employee of the Lee County Sheriff's Office; providing definitions; revising and providing provisions relating to the funding of civil service board and retirement health insurance benefits; providing membership qualifications for participation in the Lee County Sheriff's Office group health insurance plan; specifying payment and premium provisions of the plan; specifying to whom benefits may be payable; providing participation requirements for certain terminated employees prior to their receiving a retirement benefit; requiring the office to be a secondary payor to certain coverage held from previous or subsequent employers; providing schedule requirements for employer premiums; providing the effect of Medicare eligibility; providing for methods of premium payments; providing a limitation on the selection of continued insurance benefits; providing the effect in instances of the death of an insured retiree; providing applicability to all classified and unclassified members of the office; providing an effective date.

—was read the second time by title. On motion by Senator Saunders, by two-thirds vote **HB 1031** was read the third time by title, 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
Bennett	Haridopolos	Ring
Bullard	Hill	Saunders
Carlton	Jones	Siplin
Constantine	Joyner	Storms
Crist	Justice	Villalobos
Dean	King	Webster
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise

Nays—None

**HB 1033**—A bill to be entitled An act relating to the Police Pension Fund of the City of West Palm Beach, Palm Beach County; amending chapter 24981 (1947), Laws of Florida, as amended; revising the definition of "retirement"; providing applicability of certain investment policy guidelines; providing statutory limitations on investments in foreign investments; providing additional standards for the performance of duties by the Board of Trustees relating to investments; deleting provisions relating to investments and purchases of securities, uninvested cash, and minimum investment standards; providing for transfer to the fund of certain members' leave payments remaining after required contributions to health savings accounts; providing for reemployment after retirement by a public or private employer, reemployment after retirement inside or outside the police department, reemployment of terminated vested persons, and reemployment of DROP participants; providing an effective date.

—was read the second time by title. On motion by Senator Deutch, by two-thirds vote **HB 1033** was read the third time by title, 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
Bennett	Haridopolos	Ring
Bullard	Hill	Saunders
Carlton	Jones	Siplin
Constantine	Joyner	Storms
Crist	Justice	Villalobos
Dean	King	Webster
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise

Nays—None

**HB 1063**—A bill to be entitled An act relating to Broward County; amending chapter 98-521, Laws of Florida; revising membership of the South Broward Utility Advisory Board to provide for appointment of members by the Town of Southwest Ranches rather than the Broward County Commission; providing an effective date.

—was read the second time by title. On motion by Senator Ring, by two-thirds vote **HB 1063** was read the third time by title, 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
Bennett	Haridopolos	Ring
Bullard	Hill	Saunders
Carlton	Jones	Siplin
Constantine	Joyner	Storms
Crist	Justice	Villalobos
Dean	King	Webster
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise

Nays—None

**HB 1065**—A bill to be entitled An act relating to Broward County; repealing chapters 28946 (1953), 30626 (1955), 57-1196, 61-1964, 63-1169, and 63-1179, Laws of Florida, relating to plats and the platting of lands located in Broward County; providing an effective date.

—was read the second time by title. On motion by Senator Ring, by two-thirds vote **HB 1065** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Siplin  
Storms  
Nays—None

Villalobos  
Webster

Wilson  
Wise

Yeas—39

Mr. President  
Alexander  
Aronberg  
Atwater  
Baker  
Bennett  
Bullard  
Carlton  
Constantine  
Crist  
Dean  
Deutch  
Diaz de la Portilla

Dockery  
Fasano  
Gaetz  
Garcia  
Geller  
Haridopolos  
Hill  
Jones  
Joyner  
Justice  
King  
Lawson  
Lynn

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

**HB 1067**—A bill to be entitled An act relating to Broward County; repealing chapter 61-1960, Laws of Florida, relating to tax assessor's authority to make, reproduce, or procure plats of lands that were previously subdivided for which no plat had been recorded; providing an effective date.

—was read the second time by title. On motion by Senator Ring, by two-thirds vote **HB 1067** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President  
Alexander  
Aronberg  
Atwater  
Baker  
Bennett  
Bullard  
Carlton  
Constantine  
Crist  
Dean  
Deutch  
Diaz de la Portilla

Dockery  
Fasano  
Gaetz  
Garcia  
Geller  
Haridopolos  
Hill  
Jones  
Joyner  
Justice  
King  
Lawson  
Lynn

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

Nays—None

**HB 1069**—A bill to be entitled An act relating to Broward County; repealing chapter 74-442, Laws of Florida, relating to prohibiting the governing body of a municipality from annexing any property lying within Broward County unless such municipality has adopted a land use plan; providing an effective date.

—was read the second time by title. On motion by Senator Ring, by two-thirds vote **HB 1069** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President  
Alexander  
Aronberg  
Atwater  
Baker  
Bennett  
Bullard  
Carlton  
Constantine  
Crist  
Dean  
Deutch  
Diaz de la Portilla

Dockery  
Fasano  
Gaetz  
Garcia  
Geller  
Haridopolos  
Hill  
Jones  
Joyner  
Justice  
King  
Lawson  
Lynn

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

Nays—None

**CS for HB 1071**—A bill to be entitled An act relating to the Cities of Lauderhill, Plantation, and Fort Lauderdale, Broward County; adjusting the corporate limits of the Cities of Lauderhill, Plantation, and Fort Lauderdale to include within, or exclude from, such corporate limits a specified parcel and portions of rights-of-way and to remedy the creation of an enclave; providing for transfer of public roads and rights-of-way; providing for certain powers over the annexed area; providing for continuation of contracts in effect prior to annexation; providing an effective date.

—was read the second time by title. On motion by Senator Ring, by two-thirds vote **CS for HB 1071** was read the third time by title, passed and certified to the House. The vote on passage was:

Nays—None

**HB 1073**—A bill to be entitled An act relating to the Hillsboro Inlet District, Broward County; amending chapter 99-433, Laws of Florida, as amended; revising language relating to appointment of members of the commission; revising the number of members of the district required for a quorum; providing an effective date.

—was read the second time by title. On motion by Senator Ring, by two-thirds vote **HB 1073** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President  
Alexander  
Aronberg  
Atwater  
Baker  
Bennett  
Bullard  
Carlton  
Constantine  
Crist  
Dean  
Deutch  
Diaz de la Portilla

Dockery  
Fasano  
Gaetz  
Garcia  
Geller  
Haridopolos  
Hill  
Jones  
Joyner  
Justice  
King  
Lawson  
Lynn

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

Nays—None

**HB 1077**—A bill to be entitled An act relating to the West Villages Improvement District, Sarasota County; amending chapter 2004-456, Laws of Florida, as amended; expanding the territorial boundaries of the district; providing for a referendum; providing an effective date.

—was read the second time by title. On motion by Senator Bennett, by two-thirds vote **HB 1077** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President  
Alexander  
Aronberg  
Atwater  
Baker  
Bennett  
Bullard  
Carlton  
Constantine  
Crist  
Dean  
Deutch  
Diaz de la Portilla

Dockery  
Fasano  
Gaetz  
Garcia  
Geller  
Haridopolos  
Hill  
Jones  
Joyner  
Justice  
King  
Lawson  
Lynn

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

Nays—None

**CS for HB 1085**—A bill to be entitled An act relating to the Pinellas County Sheriff's Civil Service System; amending chapter 89-404, Laws of Florida, as amended; deleting intent relating to collective bargaining; limiting application; revising the definition of "personnel"; revising positions covered in the Classified and Unclassified Services; providing effect of participating in the Florida Retirement System's Senior Management Service Class; providing for Certified Executive Staff; providing additional causes for member suspension or dismissal; providing duties of the Civil Service Board regarding appeals; providing authority of the Division of Administrative Hearings under certain circumstances; revising provisions relating to the timeframe for filing a notice of appeal and for disposing of appeals and making findings of fact and stating a conclusion; removing a provision relating to certified personnel status as appointed officers; providing an effective date.

—was read the second time by title. On motion by Senator Jones, by two-thirds vote **CS for HB 1085** was read the third time by title, 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
Bennett	Haridopolos	Ring
Bullard	Hill	Saunders
Carlton	Jones	Siplin
Constantine	Joyner	Storms
Crist	Justice	Villalobos
Dean	King	Webster
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise

Nays—None

**CS for HB 1087**—A bill to be entitled An act relating to the City of Belleair Beach, Pinellas County; authorizing the City Council of the City of Belleair Beach to hold regular and special meetings outside the jurisdictional limits of the city as prescribed by ordinance, resolution, or interlocal agreement; encouraging the council to hold meetings in close proximity to the people it serves; providing an effective date.

—was read the second time by title. On motion by Senator Jones, by two-thirds vote **CS for HB 1087** was read the third time by title, 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
Bennett	Haridopolos	Ring
Bullard	Hill	Saunders
Carlton	Jones	Siplin
Constantine	Joyner	Storms
Crist	Justice	Villalobos
Dean	King	Webster
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise

Nays—None

**HB 1089**—A bill to be entitled An act relating to the City of Clearwater, Pinellas County; amending chapter 30658 (1955), Laws of Florida, as amended; updating terminology; revising the interval at which actuarial valuations of the city's fire pension fund shall be made; providing eligibility for election to the board of trustees of the fire pension fund; providing that board members may be appointed in certain circumstances; removing a requirement for payment of certain warrants; providing an effective date.

—was read the second time by title. On motion by Senator Fasano, by two-thirds vote **HB 1089** was read the third time by title, 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
Bennett	Haridopolos	Ring
Bullard	Hill	Saunders
Carlton	Jones	Siplin
Constantine	Joyner	Storms
Crist	Justice	Villalobos
Dean	King	Webster
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise

Nays—None

**HB 1145**—A bill to be entitled An act relating to the Canaveral Port District, Brevard County; amending chapter 2003-335, Laws of Florida; amending the powers and duties of the district; authorizing the district to establish a direct-support organization to receive, hold, invest, and administer property, make expenditures to or for the benefit of the district, and promote the development and expansion of the economic, historical, and cultural contributions of the maritime industry of the district; providing powers and duties of the organization; providing for membership of the board of directors of the organization; providing for the budget and financial audit of the organization; providing an effective date.

—was read the second time by title. On motion by Senator Posey, by two-thirds vote **HB 1145** was read the third time by title, 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
Bennett	Haridopolos	Ring
Bullard	Hill	Saunders
Carlton	Jones	Siplin
Constantine	Joyner	Storms
Crist	Justice	Villalobos
Dean	King	Webster
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise

Nays—None

**HB 1211**—A bill to be entitled An act relating to the Shawano Water Control District, Palm Beach County; amending chapter 2002-382, Laws of Florida; expanding the territorial boundaries of the district; providing for a referendum; providing an effective date.

—was read the second time by title. On motion by Senator Deutch, by two-thirds vote **HB 1211** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Joyner	Oelrich	Siplin
Justice	Peaden	Storms
King	Posey	Villalobos
Lawson	Rich	Webster
Lynn	Ring	Wilson
Margolis	Saunders	Wise

Nays—None

**CS for HB 1225**—A bill to be entitled An act relating to Hillsborough County; amending chapter 2001-299, Laws of Florida, relating to the Public Transportation Commission; providing for certain national criminal history background checks; authorizing the issuance of temporary public vehicle driver's licenses; providing for an exception to a public driver's license requirement; providing an effective date.

—was read the second time by title. On motion by Senator Crist, by two-thirds vote **CS for HB 1225** was read the third time by title, 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
Bennett	Haridopolos	Ring
Bullard	Hill	Saunders
Carlton	Jones	Siplin
Constantine	Joyner	Storms
Crist	Justice	Villalobos
Dean	King	Webster
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise

Nays—None

**HB 1263**—A bill to be entitled An act relating to Brevard County; amending chapter 2000-451, Laws of Florida, as amended; extending the expiration date for the clam harvesting licensure program; providing an effective date.

—was read the second time by title. On motion by Senator Posey, by two-thirds vote **HB 1263** was read the third time by title, 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
Bennett	Haridopolos	Ring
Bullard	Hill	Saunders
Carlton	Jones	Siplin
Constantine	Joyner	Storms
Crist	Justice	Villalobos
Dean	King	Webster
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise

Nays—None

**CS for HB 1365**—A bill to be entitled An act relating to Tindall Hammock Irrigation and Soil Conservation District, Broward County; amending chapter 98-523, Laws of Florida; providing for the addition of certain lands into the district; providing for the deletion of certain lands from the district; providing the board with the power to own, acquire, construct, operate, and improve water systems and sewer systems within and without the district; amending the amount for which advertisement for bids is required for the procurement by the district of con-

tractual services and purchase of goods, supplies, and materials to comply with general law; providing additional requirements for the procurement of goods and services and contracts for improvements to district facilities; providing for the election of supervisors; redesignating the office of president of the board to chair of the board; creating the office of vice chair of the board; providing for a designation of who shall preside at meetings of the board; providing for the election of officers of the district board; providing for the calling of special meetings of the board; providing the maximum allowable interest rate on loans, notes, bonds, assessments, and other obligations of the district; revising the district's bond criteria and provisions; providing that the meeting place of the district shall be in Broward County; deleting obsolete provisions; revising inconsistent provisions; revising provisions relating to controlling, regulating, and maintaining water systems and sewer systems within and without the district; providing severability; providing an effective date.

—was read the second time by title. On motion by Senator Ring, by two-thirds vote **CS for HB 1365** was read the third time by title, 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
Bennett	Haridopolos	Ring
Bullard	Hill	Saunders
Carlton	Jones	Siplin
Constantine	Joyner	Storms
Crist	Justice	Villalobos
Dean	King	Webster
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise

Nays—None

**HB 1445**—A bill to be entitled An act relating to the City of Tallahassee, Leon County; authorizing the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation to issue up to a specified number of temporary permits to a nonprofit civic organization to sell alcoholic beverages for consumption on the premises at outdoor events on public right-of-way in the downtown area of Tallahassee; providing that such events require a street-closure permit from the City of Tallahassee; providing that the permits authorized by the act are in addition to certain other authorized temporary permits; requiring the nonprofit civic organization to comply with certain statutory requirements in obtaining the permits authorized by the act; requiring the division to adopt rules; providing an effective date.

—was read the second time by title. On motion by Senator Lawson, by two-thirds vote **HB 1445** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—3

Storms	Webster	Wise
--------	---------	------

**CS for HB 1515**—A bill to be entitled An act relating to the City of Orlando Firefighter Pension Fund, Orange County; amending chapter

23444, Laws of Florida, 1945, as amended; providing definitions of "legal guardian" and "guardians of said issue"; clarifying the amount of certain disability pension; providing that surviving spouses and other beneficiaries are entitled to cost of living increases upon the death of eligible firefighters; approving ordinances enacted by the City of Orlando concerning the firefighter pension plan; providing that the act is contingent upon a collective bargaining agreement; providing retroactive effect; providing effective dates.

—was read the second time by title. On motion by Senator Webster, by two-thirds vote **CS for HB 1515** was read the third time by title, 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
Bennett	Haridopolos	Ring
Bullard	Hill	Saunders
Carlton	Jones	Siplin
Constantine	Joyner	Storms
Crist	Justice	Villalobos
Dean	King	Webster
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise

Nays—None

**CS for HB 1543**—A bill to be entitled An act relating to the Jackson County Sheriff's Office; providing permanent status for certain employees of the Sheriff; specifying rights of employees; providing procedures for appeal of disciplinary actions and complaints against employees; providing for transition between sheriffs; providing for the appointment of career service appeals boards to hear appeals and procedures with respect thereto; providing for complaints against employees; providing applicability; providing an effective date.

—was read the second time by title. On motion by Senator Lawson, by two-thirds vote **CS for HB 1543** was read the third time by title, 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
Bennett	Haridopolos	Ring
Bullard	Hill	Saunders
Carlton	Jones	Siplin
Constantine	Joyner	Storms
Crist	Justice	Villalobos
Dean	King	Webster
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise

Nays—None

**HB 1545**—A bill to be entitled An act relating to the City of Lakeland, Polk County; amending the Charter of the City of Lakeland; providing for replacing all current members of the civil service board; increasing membership of the board; deleting an obsolete provision; providing that the civil service director shall be a city employee and supervised by the city manager; providing membership of the pension board; providing qualification of members; providing that the board may employ a retirement services director; providing duties of the retirement services director; providing an effective date.

—was read the second time by title. On motion by Senator Alexander, by two-thirds vote **HB 1545** was read the third time by title, 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
Bennett	Haridopolos	Ring
Bullard	Hill	Saunders
Carlton	Jones	Siplin
Constantine	Joyner	Storms
Crist	Justice	Villalobos
Dean	King	Webster
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise

Nays—None

**CS for HB 1547**—A bill to be entitled An act relating to the Wakulla County Sheriff's Office; providing permanent status for certain employees of the Sheriff; specifying rights of employees; providing procedures for appeal of disciplinary actions and complaints against employees; providing for transition between sheriffs; providing for the appointment of career service appeals boards to hear appeals and procedures with respect thereto; providing for complaints against employees; providing applicability; providing an effective date.

—was read the second time by title. On motion by Senator Lawson, by two-thirds vote **CS for HB 1547** was read the third time by title, 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
Bennett	Haridopolos	Ring
Bullard	Hill	Saunders
Carlton	Jones	Siplin
Constantine	Joyner	Storms
Crist	Justice	Villalobos
Dean	King	Webster
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise

Nays—None

**CS for HB 1231**—A bill to be entitled An act relating to the Key Largo Wastewater Treatment District, Monroe County; amending chapter 2002-337, Laws of Florida; providing that the district is not subject to local regulations governing discharge of effluent and is not obligated to obtain licenses, permits, or authorizations required by local regulating agencies; requiring the district to provide the county with a notice of development; providing an effective date.

—was read the second time by title. On motion by Senator Bullard, by two-thirds vote **CS for HB 1231** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Rich	Siplin	Webster
Ring	Storms	Wilson
Saunders	Villalobos	Wise
Nays—None		

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

### BILLS ON THIRD READING

**CS for CS for CS for CS for SB 560**—A bill to be entitled An act relating to building code standards; amending s. 163.04, F.S.; revising provisions authorizing the use of solar collectors and other energy devices; 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 and greenhouse gas reduction strategies; requiring that the traffic-circulation element of a local comprehensive plan incorporate transportation strategies to reduce greenhouse gas emissions; requiring that the land use map or map series contained in the future land use element of a local comprehensive plan identify and depict energy conservation; requiring that the home element of a local comprehensive plan include energy efficiency in the design and construction of new housing and use of renewable energy resources; providing that certain counties may not receive state affordable housing funds under certain circumstances; requiring each unit of local government within an urbanized area to amend the transportation element of a local comprehensive plan to incorporate transportation strategies addressing reduction in greenhouse gas emissions; amending s. 489.105, F.S.; expanding the scope of the definition of “roofing contractor” to include contractors performing required roof-deck attachments and any repair or replacement of wood roof sheathing or fascia as needed during roof repair or replacement; amending s. 553.36, F.S.; redefining the term “manufactured building” for purposes of the Florida Manufactured Building Act to include modular and factory-built buildings; amending s. 553.37, F.S.; requiring the Department of Community Affairs to adopt rules related to the inspection, construction, and modification of manufactured buildings; requiring the department to develop an insignia to be affixed to newly constructed manufactured buildings; authorizing the department to charge a fee for the insignia; providing requirements for the insignia; requiring the department to develop minimum criteria for a manufacturer’s data plate; amending s. 553.381, F.S.; conforming provisions; amending s. 553.415, F.S.; requiring the department to require that an insignia be affixed to all newly constructed factory-built school buildings; providing requirements for the manufacturer’s data plate; amending s. 553.71, F.S.; providing a definition; amending s. 553.73, F.S.; expanding required codes to be included in Florida Building Code updates; expanding the list of reasons the commission may amend the Florida Building Code; providing requirements for the retroactive application of parts of the Florida Building Code to commercial wireless communications towers; amending s. 553.74, F.S.; revising requirements for selecting members of the Florida Building Commission; revising membership of the commission; deleting obsolete provisions; amending s. 553.75, F.S.; authorizing the Florida Building Commission to use communications media technology in conducting its meetings or meetings held in conjunction with commission meetings; providing for public comment at meetings of the commission; amending s. 553.77, F.S.; authorizing the commission to implement recommendations relating to energy efficiency in residential and commercial buildings; amending s. 553.775, F.S.; authorizing the commission to render declaratory statements; amending s. 553.80, F.S.; providing that the enforcement of construction regulations relating to secure mental health treatment facilities under the jurisdiction of the Department of Children and Family Services shall be enforced exclusively by the department in conjunction with the review authority of the Agency for Health Care Administration; amending s. 553.842, F.S.; requiring the commission to review the list of product evaluation entities; providing reporting requirements; providing for rulemaking; designating an entity as an approved production evaluation entity until October 1, 2009; providing criteria for substitution of approved products under certain conditions; providing for the expiration of certain product approvals; amending s. 553.844, F.S.; revising provisions requiring the adoption of certain mitigation techniques by the Florida Building Commission within the Florida Building Code for certain structures; amending s. 553.885, F.S.; requiring the installation of carbon monoxide detectors in certain new hospitals, hospice and nursing homes facilities; creating s. 553.886, F.S.; requiring that the Florida

Building Code facilitate and promote the use of certain renewable energy technologies in buildings; amending s. 553.901, F.S.; requiring the commission to adopt by rule a definition of the term “cost-effective”; creating s. 553.9061, F.S.; establishing a schedule of required increases in the energy performance of buildings subject to the Florida Building Code; 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; repealing s. 553.731, F.S., relating to wind-borne debris protection requirements; providing for construction and interpretation of the repeal; repealing s. 627.351(6)(a)6., F.S.; providing requirements for certain properties to meet building code plus requirements as a condition of eligibility for coverage by Citizens Property Insurance Corporation; amending s. 718.113, F.S.; authorizing the board of a condominium or a multicondominium to install solar collectors, clotheslines, or other energy-efficient devices on association property; requiring the Florida Building Commission to include certain information in its report to the Legislature; providing an effective date.

—as amended April 24 was read the third time by title.

Amendments were considered and adopted to conform **CS for CS for CS for CS for SB 560** to **CS for HB 697**.

Pending further consideration of **CS for CS for CS for CS for SB 560** as amended, on motion by Senator Constantine, by two-thirds vote **CS for HB 697** was withdrawn from the Committees on Community Affairs; Regulated Industries; Environmental Preservation and Conservation; and Transportation and Economic Development Appropriations.

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

**CS for HB 697**—A bill to be entitled An act relating to building standards; amending s. 489.105, F.S.; revising the definition of the term “roofing contractor”; creating s. 489.1138, F.S.; providing definitions; requiring a tower crane to be certified in order to be operated; requiring a person to be certified in order to operate a tower crane on construction projects; providing applicable standards; specifying duties of contractors; providing penalties; authorizing persons in training for certification to operate tower cranes under direct supervision of a certified tower crane operator; creating s. 489.1139, F.S.; preempting the regulation of tower cranes and tower crane operators to the state; amending s. 553.36, F.S.; revising the definition of the term “manufactured building” to include modular buildings and factory-built buildings; amending s. 553.37, F.S.; revising requirements that the Florida Building Commission adopt requirements for construction or modification of manufactured buildings; requiring the Department of Community Affairs to adopt certain rules relating to manufactured buildings; transferring certain responsibilities from the commission to the department; requiring the department to develop an insignia to be affixed to newly constructed manufactured buildings; authorizing the department to charge a fee for the insignia; providing requirements for the insignia; requiring the department to develop minimum criteria for a manufacturer’s data plate; amending s. 553.381, F.S.; revising the department’s authority to conform; authorizing the department to establish certain fees by rule; amending s. 553.415, F.S.; requiring the department to require that an insignia and manufacturer’s data plate be affixed to certain school buildings; providing requirements for the data plate; requiring under certain

circumstances manufacturers or the department to affix the insignia and data plate; amending s. 553.71, F.S.; providing a definition of the term "temporary;" amending s. 553.73, F.S.; expanding the list of required codes to be included in the Florida Building Code as foundation codes; expanding authority of the commission to approve amendments to the Florida Building Code; amending s. 553.74., F.S.; specifying entities encouraged to recommend candidate lists for consideration as members of the commission; increasing membership of the commission; deleting obsolete provisions; amending s. 553.75, F.S.; authorizing the commission to use communications media technology in conducting certain meetings; providing for requirements for public comment at commission meetings; amending s. 553.775, F.S.; authorizing the commission to render certain accessibility declaratory statements; amending s. 553.80, F.S.; revising enforcement requirements for construction regulations for certain facilities; amending s. 553.844, F.S.; revising requirements for criteria for mitigation techniques adopted by the commission; specifying certain roof retrofitting requirements; amending s. 553.885, F.S.; requiring the installation of carbon monoxide detectors in certain new hospitals, hospice facilities, and nursing homes; amending s. 627.351, F.S.; specifying that certain buildings or structures must meet certain coastal construction line setbacks to be eligible for Citizens Property Insurance coverage; repealing s. 553.731 F.S., relating to wind-borne debris protection requirements; providing for construction and interpretation of the repeal; providing effective dates.

—a companion measure, was substituted for **CS for CS for CS for CS for SB 560** as amended and by two-thirds vote read the second time by title.

#### MOTION

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

Senator Constantine moved the following amendment:

**Amendment 1 (427394)(with title amendment)**—Delete everything after the enacting clause and insert:

Section 1. Subsection (2) of section 163.04, Florida Statutes, is amended to read:

163.04 Energy devices based on renewable resources.—

(2) ~~A deed restriction, covenant, declaration, or similar binding agreement may not~~ ~~No deed restrictions, covenants, or similar binding agreements running with the land shall~~ prohibit or have the effect of prohibiting solar collectors, clotheslines, or other energy devices based on renewable resources from being installed on buildings erected on the lots or parcels covered by the ~~deed restriction, covenant, declaration, or binding agreement restrictions, covenants, or binding agreements~~. A property owner may not be denied permission to install solar collectors or other energy devices ~~based on renewable resources~~ by any entity granted the power or right in any deed restriction, covenant, ~~declaration, or similar binding agreement~~ to approve, forbid, control, or direct alteration of property with respect to residential dwellings ~~and within the boundaries of a condominium unit not exceeding three stories in height~~. ~~For purposes of this subsection,~~ Such entity may determine the specific location where solar collectors may be installed on the roof within an orientation to the south or within 45° east or west of due south ~~if provided that such determination does not impair the effective operation of the solar collectors~~.

Section 2. 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 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 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 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 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*.
- i. *Use of renewable energy resources*.

j. ~~h. 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.

k. *As a precondition to receiving any state affordable housing funding or allocation for any project or program within the jurisdiction of a county that is subject to sub-subparagraph j., a county must, by July 1 of each year, provide certification that the county has complied with the requirements of sub-subparagraph j.*

~~i. 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.

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 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.*

Section 3. Paragraph (e) of subsection (3) of section 489.105, Florida Statutes, is amended to read:

489.105 Definitions.—As used in this part:

(3) “Contractor” means the person who is qualified for, and shall only be responsible for, the project contracted for and means, except as exempted in this part, the person who, for compensation, undertakes to, submits a bid to, or does himself or herself or by others construct, repair, alter, remodel, add to, demolish, subtract from, or improve any building or structure, including related improvements to real estate, for others or for resale to others; and whose job scope is substantially similar to the job scope described in one of the subsequent paragraphs of this subsection. For the purposes of regulation under this part, “demolish” applies only to demolition of steel tanks over 50 feet in height; towers over 50 feet in height; other structures over 50 feet in height, other than buildings or residences over three stories tall; and buildings or residences

over three stories tall. Contractors are subdivided into two divisions, Division I, consisting of those contractors defined in paragraphs (a)-(c), and Division II, consisting of those contractors defined in paragraphs (d)-(q):

(e) "Roofing contractor" means a contractor whose services are unlimited in the roofing trade and who has the experience, knowledge, and skill to install, maintain, repair, alter, extend, or design, when not prohibited by law, and use materials and items used in the installation, maintenance, extension, and alteration of all kinds of roofing, waterproofing, and coating, except when coating is not represented to protect, repair, waterproof, stop leaks, or extend the life of the roof. *The scope of work of a roofing contractor also includes required roof-deck attachments and any repair or replacement of wood roof sheathing or fascia as needed during roof repair or replacement.*

Section 4. Subsection (13) of section 553.36, Florida Statutes, is amended to read:

553.36 Definitions.—The definitions contained in this section govern the construction of this part unless the context otherwise requires.

(13) "Manufactured building," "modular building," or "factory-built building" means a closed structure, building assembly, or system of subassemblies, which may include structural, electrical, plumbing, heating, ventilating, or other service systems manufactured in manufacturing facilities for installation or erection as a finished building or as part of a finished building, which shall include, but not be limited to, residential, commercial, institutional, storage, and industrial structures. The term includes buildings not intended for human habitation such as lawn storage buildings and storage sheds manufactured and assembled offsite by a manufacturer certified in conformance with this part. This part does not apply to mobile homes.

Section 5. Section 553.37, Florida Statutes, is amended to read:

553.37 Rules; inspections; and insignia.—

(1) The Florida Building Commission shall adopt within the Florida Building Code requirements for construction or modification of manufactured buildings and building modules, to address:

(a) Submittal to and approval by the department of manufacturers' drawings and specifications, including any amendments.

(b) Submittal to and approval by the department of manufacturers' internal quality control procedures and manuals, including any amendments.

(c) ~~Minimum inspection criteria. Procedures and qualifications for approval of third-party plan review and inspection entities and of those who perform inspections and plan reviews.~~

(2) *The department shall adopt rules to address:*

(a) *Procedures and qualifications for approval of third-party plan review and inspection agencies and of those who perform inspections and plan reviews.*

(b)(d) Investigation of consumer complaints of noncompliance of manufactured buildings with the Florida Building Code and the Florida Fire Prevention Code.

(c)(e) Issuance, cancellation, and revocation of any insignia issued by the department and procedures for auditing and accounting for disposition of them.

(d)(f) Monitoring the manufacturers', inspection agencies' entities', and plan review agencies' entities' compliance with this part and the Florida Building Code. Monitoring may include, but is not limited to, performing audits of plans, inspections of manufacturing facilities and observation of the manufacturing and inspection process, and onsite inspections of buildings.

(e)(g) The performance by the department of any other functions required by this part.

(3)(2) After the effective date of the Florida Building Code, no manufactured building, except as provided in subsection (12) (11), may be installed in this state unless it is approved and bears the insignia of

approval of the department *and a manufacturer's data plate*. Approvals issued by the department under the provisions of the prior part shall be deemed to comply with the requirements of this part.

(4)(3) All manufactured buildings issued and bearing insignia of approval pursuant to subsection (3) (2) shall be deemed to comply with the Florida Building Code and are exempt from local amendments enacted by any local government.

(5)(4) No manufactured building bearing department insignia of approval pursuant to subsection (3) (2) shall be in any way modified prior to installation, except in conformance with the Florida Building Code.

(6)(5) Manufactured buildings which have been issued and bear the insignia of approval pursuant to this part upon manufacture or first sale shall not require an additional approval or insignia by a local government in which they are subsequently sold or installed. Buildings or structures that meet the definition of "open construction" are subject to permitting by the local jurisdiction and are not required to bear insignia.

(7)(6) If the ~~department Florida Building Commission~~ determines that the standards for construction and inspection of manufactured buildings prescribed by statute or rule of another state are at least equal to the Florida Building Code and that such standards are actually enforced by such other state, it may provide by rule that the manufactured building which has been inspected and approved by such other state shall be deemed to have been approved by the department and shall authorize the affixing of the appropriate insignia of approval.

(8)(7) The ~~department Florida Building Commission~~, by rule, shall establish a schedule of fees to pay the cost of ~~incurred by the department for the work related to~~ administration and enforcement of this part.

(9)(8) The department may delegate its enforcement authority to a state department having building construction responsibilities or a local government. The department may delegate its plan review and inspection authority to *one or more of the following in any combination:*

(a) A state department having building construction responsibilities;

(b) A local government;

(c) An approved inspection agency;

(d) An approved plan review agency;

(e) An agency of another state.

(9) ~~If the commission delegates its inspection authority to third-party approved inspection agencies, manufacturers must have one, and only one, inspection agency responsible for inspection of a manufactured building, module, or component at all times.~~

(10) *The department shall develop an insignia to be affixed to all newly constructed buildings by the manufacturer or the inspection agency prior to the building leaving the plant. The department may charge a fee for issuing such insignias. Such insignias shall bear the department's name, the state seal, an identification number unique to that insignia, and such other information as the department may require by rule. If the commission delegates its inspection authority to third-party approved plan review agencies, manufacturers must have one, and only one, plan review agency responsible for review of plans of a manufactured building, module, or component at all times.*

(11) *The department shall by rule develop minimum criteria for manufacturer's data that must be affixed to all newly constructed buildings by the manufacturer prior to the building leaving the plant. Custom or one of a kind prototype manufactured buildings shall not be required to have state approval but must comply with all local requirements of the governmental agency having jurisdiction at the installation site.*

Section 6. Subsections (1) and (3) of section 553.381, Florida Statutes, are amended to read:

553.381 Manufacturer certification.—

(1) Before manufacturing buildings to be located within this state or selling manufactured buildings within this state, whichever occurs later, a manufacturer must be certified by the department. The department

shall certify a manufacturer upon receipt from the manufacturer and approval and verification by the department of the following:

(a) The manufacturer's internal quality control procedures and manuals, including any amendments;

(b) Evidence that the manufacturer has product liability insurance for the safety and welfare of the public in amounts determined by rule of the ~~department commission~~; and

(c) The fee established by the ~~department commission~~ under s. 553.37(8) ~~s. 553.37(7)~~.

(3) Certification of manufacturers under this section shall be for a period of 3 years, subject to renewal by the manufacturer. Upon application for renewal, the manufacturer must submit the information described in subsection (1) or a sworn statement that there has been no change in the status or content of that information since the manufacturer's last submittal. Fees for renewal of manufacturers' certification shall be established by the ~~department commission~~ by rule.

Section 7. Subsections (11) and (12) of section 553.415, Florida Statutes, are amended to read:

553.415 Factory-built school buildings.—

(11) The department shall *require that an insignia bearing the department's name and state seal and a manufacturer's data plate develop a unique identification label to be affixed to all newly constructed factory-built school buildings and existing factory-built school buildings which have been brought into compliance with the standards for existing "satisfactory" buildings pursuant to chapter 5 of the Uniform Code for Public Educational Facilities, and after March 1, 2002, the Florida Building Code. The department may charge a fee for issuing such insignias labels. The manufacturer's data plate Such labels, bearing the department's name and state seal,* shall, at a minimum, contain:

- (a) The name of the manufacturer.
- (b) The standard plan approval number or alteration number.
- (c) The date of manufacture or alteration.
- (d) The serial or other identification number.
- (e) The following designed-for loads: lbs. per square foot live load; lbs. per square foot floor live load; lbs. per square foot horizontal wind load; and lbs. per square foot wind uplift load.
- (f) The designed-for flood zone usage.
- (g) The designed-for wind zone usage.
- (h) The designed-for enhanced hurricane protection zone usage: yes or no.

(12) Such *insignia and data plate identification label* shall be permanently affixed by the manufacturer in the case of newly constructed factory-built school buildings, or by the department or its designee in the case of an existing factory-built building altered to comply with provisions of s. 1013.20.

Section 8. Subsection (11) is added to section 553.71, Florida Statutes, to read:

553.71 Definitions.—As used in this part, the term:

(11) "Temporary" includes, but is not limited to, buildings identified by, but not designated as permanent structures on, an approved development order.

Section 9. Paragraph (a) of subsection (6) and subsection (7) of section 553.73, Florida Statutes, are amended, and subsection (13) is added to that section, to read:

553.73 Florida Building Code.—

(6)(a) The commission, by rule adopted pursuant to ss. 120.536(1) and 120.54, shall update the Florida Building Code every 3 years. When updating the Florida Building Code, the commission shall select the

most current version of the International Building Code, the International Fuel Gas Code, the International Mechanical Code, the International Plumbing Code, and the International Residential Code, all of which are adopted by the International Code Council, and the National Electrical Code, which is adopted by the National Fire Protection Association, to form the foundation codes of the updated Florida Building Code, if the version has been adopted by the applicable model code entity and made available to the public at least 6 months prior to its selection by the commission. *The commission shall select the most current version of the International Energy Conservation Code (IECC) as a foundation code; however, the IECC shall be modified by the commission to maintain the efficiencies of the Florida Energy Efficiency Code for Building Construction adopted and amended pursuant to s. 553.901.*

(7) Notwithstanding the provisions of subsection (3) or subsection (6), the commission may address issues identified in this subsection by amending the code pursuant only to the rule adoption procedures contained in chapter 120. Provisions of the Florida Building Code, including those contained in referenced standards and criteria, relating to wind resistance or the prevention of water intrusion may not be amended pursuant to this subsection to diminish those construction requirements; however, the commission may, subject to conditions in this subsection, amend the provisions to enhance those construction requirements. Following the approval of any amendments to the Florida Building Code by the commission and publication of the amendments on the commission's website, authorities having jurisdiction to enforce the Florida Building Code may enforce the amendments. The commission may approve amendments that are needed to address:

- (a) Conflicts within the updated code;
- (b) Conflicts between the updated code and the Florida Fire Prevention Code adopted pursuant to chapter 633;
- (c) The omission of previously adopted Florida-specific amendments to the updated code if such omission is not supported by a specific recommendation of a technical advisory committee or particular action by the commission;
- (d) Unintended results from the integration of previously adopted Florida-specific amendments with the model code; ~~or~~
- (e) Changes to federal or state law; *or-*
- (f) *Adoption of an updated edition of the National Electrical Code if the commission finds that delay of implementing the updated edition causes undue hardship to stakeholders or otherwise threatens the public health, safety, and welfare.*

(13) *The general provisions of the Florida Building Code for buildings and other structures shall not apply to commercial wireless communication towers when such general provisions are inconsistent with the provisions of the code controlling radio and television towers. This subsection is intended to be remedial in nature and to clarify existing law.*

Section 10. Subsections (1) and (2) of section 553.74, Florida Statutes, are amended to read:

553.74 Florida Building Commission.—

(1) The Florida Building Commission is created and shall be located within the Department of Community Affairs for administrative purposes. Members shall be appointed by the Governor subject to confirmation by the Senate. The commission shall be composed of 25 ~~23~~ members, consisting of the following:

- (a) One architect registered to practice in this state and actively engaged in the profession. *The American Institute of Architects, Florida Section, is encouraged to recommend a list of candidates for consideration.*
- (b) One structural engineer registered to practice in this state and actively engaged in the profession. *The Florida Engineering Society is encouraged to recommend a list of candidates for consideration.*
- (c) One air-conditioning or mechanical contractor certified to do business in this state and actively engaged in the profession. *The Florida Air Conditioning Contractors Association, the Florida Refrigeration and Air Conditioning Contractors Association, and the Mechanical Contractors*

*Association of Florida are encouraged to recommend a list of candidates for consideration.*

(d) One electrical contractor certified to do business in this state and actively engaged in the profession. *The Florida Electrical Contractors Association and the National Electrical Contractors Association, Florida Chapter, are encouraged to recommend a list of candidates for consideration.*

(e) One member from fire protection engineering or technology who is actively engaged in the profession. *The Florida Chapter of the Society of Fire Protection Engineers and the Florida Fire Marshals and Inspectors Association are encouraged to recommend a list of candidates for consideration.*

(f) One general contractor certified to do business in this state and actively engaged in the profession. *The Associated Builders and Contractors of Florida, the Florida Associated General Contractors Council, and the Union Contractors Association are encouraged to recommend a list of candidates for consideration.*

(g) One plumbing contractor licensed to do business in this state and actively engaged in the profession. *The Florida Association of Plumbing, Heating, and Cooling Contractors is encouraged to recommend a list of candidates for consideration.*

(h) One roofing or sheet metal contractor certified to do business in this state and actively engaged in the profession. *The Florida Roofing, Sheet Metal, and Air Conditioning Contractors Association and the Sheet Metal and Air Conditioning Contractors National Association are encouraged to recommend a list of candidates for consideration.*

(i) One residential contractor licensed to do business in this state and actively engaged in the profession. *The Florida Home Builders Association is encouraged to recommend a list of candidates for consideration.*

(j) Three members who are municipal or district codes enforcement officials, one of whom is also a fire official. *The Building Officials Association of Florida and the Florida Fire Marshals and Inspectors Association are encouraged to recommend a list of candidates for consideration.*

(k) One member who represents the Department of Financial Services.

(l) One member who is a county codes enforcement official. *The Building Officials Association of Florida is encouraged to recommend a list of candidates for consideration.*

(m) One member of a Florida-based organization of persons with disabilities or a nationally chartered organization of persons with disabilities with chapters in this state.

(n) One member of the manufactured buildings industry who is licensed to do business in this state and is actively engaged in the industry. *The Florida Manufactured Housing Association is encouraged to recommend a list of candidates for consideration.*

(o) One mechanical or electrical engineer registered to practice in this state and actively engaged in the profession. *The Florida Engineering Society is encouraged to recommend a list of candidates for consideration.*

(p) One member who is a representative of a municipality or a charter county. *The Florida League of Cities and the Florida Association of Counties are encouraged to recommend a list of candidates for consideration.*

(q) One member of the building products manufacturing industry who is authorized to do business in this state and is actively engaged in the industry. *The Florida Building Material Association, the Florida Concrete and Products Association, and the Fenestration Manufacturers Association are encouraged to recommend a list of candidates for consideration.*

(r) One member who is a representative of the building owners and managers industry who is actively engaged in commercial building ownership or management. *The Building Owners and Managers Association is encouraged to recommend a list of candidates for consideration.*

(s) One member who is a representative of the insurance industry. *The Florida Insurance Council is encouraged to recommend a list of candidates for consideration.*

(t) One member who is a representative of public education.

(u) One member who is a swimming pool contractor licensed to do business in this state and actively engaged in the profession. *The Florida Swimming Pool Association and the United Pool and Spa Association are encouraged to recommend a list of candidates for consideration shall be the chair.*

(v) One member who is a representative of the green building industry and who is a third-party commission agent, a Florida board member of the United States Green Building Council or Green Building Initiative, or a LEED-accredited professional.

(w) One member who shall be the chair.

Any person serving on the commission under paragraph (c) or paragraph (h) on October 1, 2003, and who has served less than two full terms is eligible for reappointment to the commission regardless of whether he or she meets the new qualification.

(2) All appointments shall be for terms of 4 years, ~~except that of the chair who shall serve at the pleasure of the Governor.~~ Each person who is a member of the Board of Building Codes and Standards on the effective date of this act shall serve the remainder of their term as a member of the Florida Building Commission. ~~Except for the chair, newly created positions on the Florida Building Commission shall be appointed after February 1, 1999. A vacancy shall be filled for the remainder of the unexpired term.~~ Any member who shall, during his or her term, cease to meet the qualifications for original appointment, through ceasing to be a practicing member of the profession indicated or otherwise, shall thereby forfeit membership on the commission.

Section 11. Section 553.75, Florida Statutes, is amended to read:

553.75 Organization of commission; rules and regulations; meetings; staff; fiscal affairs; *public comment.*—

(1) The commission shall meet on call of the secretary. The commission shall annually elect from its appointive members such officers as it may choose.

(2) The commission shall meet at the call of its chair, at the request of a majority of its membership, at the request of the department, or at such times as may be prescribed by its rules. The members shall be notified in writing of the time and place of a regular or special meeting at least 7 days in advance of the meeting. A majority of members of the commission shall constitute a quorum.

(3) The department shall be responsible for the provision of administrative and staff support services relating to the functions of the commission. With respect to matters within the jurisdiction of the commission, the department shall be responsible for the implementation and faithful discharge of all decisions of the commission made pursuant to its authority under the provisions of this part. *The department is specifically authorized to use communications media technology in conducting meetings of the commission or any meetings held in conjunction with meetings of the commission.*

(4) *Meetings of the commission shall be conducted so as to encourage participation by interested persons in attendance. At a minimum, the commission shall provide one opportunity for interested members of the public in attendance at a meeting to comment on each proposed action of the commission before a final vote is taken on any motion.*

Section 12. Present subsection (5) of section 553.77, Florida Statutes, is renumbered as subsection (6), and a new subsection (5) is added to that section, to read:

553.77 Specific powers of the commission.—

(5) *The commission may implement its recommendations delivered pursuant to subsection (2) of section 48 of chapter 2007-73, Laws of Florida, by amending the Florida Energy Efficiency Code for Building Construction as provided in s. 553.901.*

Section 13. Subsection (5) of section 553.775, Florida Statutes, is amended to read:

553.775 Interpretations.—

(5) *The commission may render declaratory statements in accordance with s. 120.565 relating to the provisions of the Florida Accessibility Code for Building Construction not attributable to the Americans with Disabilities Act Accessibility Guidelines.* Notwithstanding the other provisions of this section, the Florida Accessibility Code for Building Construction and chapter 11 of the Florida Building Code may not be interpreted by, and are not subject to review under, any of the procedures specified in this section. This subsection has no effect upon the commission's authority to waive the Florida Accessibility Code for Building Construction as provided by s. 553.512.

Section 14. Paragraph (g) is added to subsection (1) of section 553.80, Florida Statutes, and subsection (7) of that section is amended, to read:

553.80 Enforcement.—

(1) Except as provided in paragraphs (a)-(g) ~~(a)-(f)~~, each local government and each legally constituted enforcement district with statutory authority shall regulate building construction and, where authorized in the state agency's enabling legislation, each state agency shall enforce the Florida Building Code required by this part on all public or private buildings, structures, and facilities, unless such responsibility has been delegated to another unit of government pursuant to s. 553.79(9).

(g) *Construction regulations relating to secure mental health treatment facilities under the jurisdiction of the Department of Children and Family Services shall be enforced exclusively by the department in conjunction with the Agency for Health Care Administration's review authority under paragraph (c).*

The governing bodies of local governments may provide a schedule of fees, as authorized by s. 125.56(2) or s. 166.222 and this section, for the enforcement of the provisions of this part. Such fees shall be used solely for carrying out the local government's responsibilities in enforcing the Florida Building Code. The authority of state enforcing agencies to set fees for enforcement shall be derived from authority existing on July 1, 1998. However, nothing contained in this subsection shall operate to limit such agencies from adjusting their fee schedule in conformance with existing authority.

(7) The governing bodies of local governments may provide a schedule of reasonable fees, as authorized by s. 125.56(2) or s. 166.222 and this section, for enforcing this part. These fees, and any fines or investment earnings related to the fees, shall be used solely for carrying out the local government's responsibilities in enforcing the Florida Building Code. When providing a schedule of reasonable fees, the total estimated annual revenue derived from fees, and the fines and investment earnings related to the fees, may not exceed the total estimated annual costs of allowable activities. Any unexpended balances shall be carried forward to future years for allowable activities or shall be refunded at the discretion of the local government. The basis for a fee structure for allowable activities shall relate to the level of service provided by the local government and shall include consideration for refunding fees due to reduced services based on services provided as prescribed by s. 553.791, but not provided by the local government. Fees charged shall be consistently applied.

(a) As used in this subsection, the phrase "enforcing the Florida Building Code" includes the direct costs and reasonable indirect costs associated with review of building plans, building inspections, reinspections, and building permit processing; building code enforcement; and fire inspections associated with new construction. The phrase may also include training costs associated with the enforcement of the Florida Building Code and enforcement action pertaining to unlicensed contractor activity to the extent not funded by other user fees.

(b) The following activities may not be funded with fees adopted for enforcing the Florida Building Code:

1. Planning and zoning or other general government activities.
2. Inspections of public buildings for a reduced fee or no fee.
3. Public information requests, community functions, boards, and any program not directly related to enforcement of the Florida Building Code.

4. Enforcement and implementation of any other local ordinance, excluding validly adopted local amendments to the Florida Building Code and excluding any local ordinance directly related to enforcing the Florida Building Code as defined in paragraph (a).

(c) A local government shall use recognized management, accounting, and oversight practices to ensure that fees, fines, and investment earnings generated under this subsection are maintained and allocated or used solely for the purposes described in paragraph (a).

Section 15. Subsection (17) is added to section 553.842, Florida Statutes, to read:

553.842 Product evaluation and approval.—

(17)(a) *The Florida Building Commission shall review the list of evaluation entities in subsection (8) and, in the annual report required under s. 553.77, shall either recommend amendments to the list to add evaluation entities the commission determines should be authorized to perform product evaluations or shall report on the criteria adopted by rule or to be adopted by rule allowing the commission to approve evaluation entities that use the commission's product evaluation process. If the commission adopts criteria by rule, the rulemaking process must be completed by July 1, 2009.*

(b) *Notwithstanding paragraph (8)(a), the International Association of Plumbing and Mechanical Officials Evaluation Services is approved as an evaluation entity until October 1, 2009. If the association does not obtain permanent approval by the commission as an evaluation entity by October 1, 2009, products approved on the basis of an association evaluation must be substituted by an alternative, approved entity by December 31, 2009, and on January 1, 2010, any product approval issued by the commission based on an association evaluation is void.*

Section 16. Paragraph (b) of subsection (2) of section 553.844, Florida Statutes, is amended to read:

553.844 Windstorm loss mitigation; requirements for roofs and opening protection.—

(2) The Florida Building Commission shall:

(b) Develop and adopt within the Florida Building Code a means to incorporate recognized mitigation techniques for site-built, single-family residential structures constructed ~~before~~ ~~prior to~~ the implementation of the Florida Building Code, including, but not limited to:

1. Prescriptive techniques for the installation of gable-end bracing;
2. Secondary water barriers for roofs and standards relating to secondary water barriers. The criteria may include, but need not be limited to, roof shape, slope, and composition of all elements of the roof system. *The criteria may not be limited to one method or material for a secondary water barrier;*
3. Prescriptive techniques for improvement of roof-to-wall connections. The Legislature recognizes that the cost of retrofitting existing buildings to meet the code requirements for new construction in this regard may exceed the practical benefit to be attained. The Legislature intends for the commission to provide for the integration of alternate, lower-cost means that may be employed to retrofit existing buildings that are not otherwise required to comply with the requirements of the Florida Building Code for new construction so that the cost of such improvements does not exceed approximately 15 percent of the cost of reroofing. *Roof-to-wall connections shall not be required unless evaluation and installation of connections at gable ends or all corners can be completed for 15 percent of the cost of roof replacement. For houses that have both hip and gable roof ends, the priority shall be to retrofit the gable end roof-to-wall connections unless the width of the hip is more than 1.5 times greater than the width of the gable end. Priority shall be given to connecting the corners of roofs to walls below the locations at which the spans of the roofing members are greatest;*
4. Strengthening or correcting roof-decking attachments and fasteners during reroofing; and
5. Adding or strengthening opening protections.

Section 17. Subsection (1) of section 553.885, Florida Statutes, is amended to read:

553.885 Carbon monoxide alarm required.—

(1) Every building, other than a hospital, an inpatient hospice facility, or a nursing home facility licensed by the Agency for Health Care Administration, for which a building permit is issued for new construction on or after July 1, 2008, and having a fossil-fuel-burning heater or appliance, a fireplace, or an attached garage shall have an approved operational carbon monoxide alarm installed within 10 feet of each room used for sleeping purposes. For a new hospital, an inpatient hospice facility, or a nursing home facility licensed by the Agency for Health Care Administration, an approved operational carbon monoxide detector shall be installed inside or directly outside of each room or area within the hospital or facility where a fossil-fuel burning heater, engine, or appliance is located. This detector shall be connected to the fire-alarm system of the hospital or facility as a supervisory signal.

Section 18. Section 553.886, Florida Statutes, is created to read:

553.886 *Energy-efficiency technologies.*—The provisions of the Florida Building Code must facilitate and promote the use of cost-effective energy conservation, energy-demand management, and renewable energy technologies in buildings.

Section 19. Section 553.9061, Florida Statutes, is created to read:

553.9061 *Scheduled increases in thermal efficiency standards.*—

(1) The purpose of this section is to establish a schedule of increases in the energy performance of buildings subject to the Florida Energy Efficiency Code for Building Construction. The Florida Building Commission shall:

(a) Include the necessary provisions by the 2010 edition of the Florida Energy Efficiency Code for Building Construction to increase the energy performance of new buildings by at least 20 percent as compared to the energy efficiency provisions of the 2007 Florida Building Code adopted October 31, 2007.

(b) Increase energy efficiency requirements by the 2013 edition of the Florida Energy Efficiency Code for Building Construction by at least 30 percent as compared to the energy efficiency provisions of the 2007 Florida Building Code adopted October 31, 2007.

(c) Increase energy efficiency requirements by the 2016 edition of the Florida Energy Efficiency Code for Building Construction by at least 40 percent as compared to the energy efficiency provisions of the 2007 Florida Building Code adopted October 31, 2007.

(d) Increase energy efficiency requirements by the 2019 edition of the Florida Energy Efficiency Code for Building Construction by at least 50 percent as compared to the energy efficiency provisions of the 2007 Florida Building Code adopted October 31, 2007.

(2) The Florida Building Commission shall identify within code support and compliance documentation the specific building options and elements available to meet the energy performance goals established in subsection (1). Energy-efficiency performance options and elements include, but are not limited to:

- (a) Solar water heating.
- (b) Energy-efficient appliances.
- (c) Energy-efficient windows, doors, and skylights.
- (d) Low solar-absorption roofs, also known as “cool roofs.”
- (e) Enhanced ceiling and wall insulation.
- (f) Reduced-leak duct systems.
- (g) Programmable thermostats.
- (h) Energy-efficient lighting systems.

(3) The Florida Building Commission shall, prior to implementing the goals established in subsection (1), adopt by rule and implement a cost-effectiveness test for proposed increases in energy efficiency. The cost-effectiveness test shall measure cost-effectiveness and shall ensure that energy efficiency increases result in a positive net financial impact.

Section 20. (1) The Department of Community Affairs, in conjunction with the Florida Energy Affordability Coalition, shall identify and review issues relating to the Low-Income Home Energy Assistance Program and the Weatherization Assistance Program, and identify recommendations that:

- (a) Support customer health, safety, and well-being;
- (b) Maximize available financial and energy-conservation assistance;
- (c) Improve the quality of service to customers seeking assistance; and
- (d) Educate customers to make informed decisions regarding energy use and conservation.

(2) On or before January 1, 2009, the department shall report its findings and any recommended statutory changes required to implement such findings to the President of the Senate and the Speaker of the House of Representatives.

(3) The provisions of this section expire July 1, 2009.

Section 21. Section 553.731, Florida Statutes, is repealed.

Section 22. The repeal of s. 553.731, Florida Statutes, by this act, does not diminish or authorize changes that diminish the provisions of the Florida Building Code relating to wind resistance or water intrusion which were adopted pursuant to chapter 2007-1, Laws of Florida.

Section 23. Subparagraph 6. of paragraph (a) of subsection (6) of s. 627.351, Florida Statutes, is repealed.

Section 24. Subsections (3), and (4) of section 336.41, Florida Statutes, are renumbered as subsections (4), and (5), respectively, and a subsection (3) is added to that section, to read:

336.41 Counties; employing labor and providing road equipment; accounting; when competitive bidding required.—

(3) Notwithstanding any law to the contrary, a county, municipality, or special district may not own or operate an asphalt plant or a portable or stationary concrete batch plant that has an independent mixer; however, this prohibition does not apply to any county that owns or is under contract to purchase an asphalt plant as of April 15, 2008, and that furnishes its plant-generated asphalt solely for use by local governments or companies under contract with local governments for projects within the boundaries of the county. Sale of plant-generated asphalt to private entities or local governments outside the boundaries of the county is prohibited.

Section 25. Subsection (6) is added to section 718.113, Florida Statutes, to read:

718.113 Maintenance; limitation upon improvement; display of flag; hurricane shutters.—

(6) Notwithstanding the provisions of this section or the governing documents of a condominium or a multicondominium association, the board of administration may, without any requirement for approval of the unit owners, install upon or within the common elements or association property solar collectors, clotheslines, or other energy-efficient devices based on renewable resources for the benefit of the unit owners.

Section 26. The Florida Building Commission shall submit the text of the rule required by section 19 of this act to the Legislature in its report to the 2009-2010 Legislature, and shall provide an effective date for the rule by July 1, 2009.

Section 27. This act shall take effect July 1, 2008.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to building code standards; amending s. 163.04, F.S.; revising provisions authorizing the use of solar collectors and other energy devices; 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 and greenhouse gas reduction strategies; requiring that the traffic-circulation element of a local comprehensive plan incorporate transportation strategies to reduce greenhouse gas

emissions; requiring that the land use map or map series contained in the future land use element of a local comprehensive plan identify and depict energy conservation; requiring that the home element of a local comprehensive plan include energy efficiency in the design and construction of new housing and use of renewable energy resources; providing that certain counties may not receive state affordable housing funds under certain circumstances; requiring each unit of local government within an urbanized area to amend the transportation element of a local comprehensive plan to incorporate transportation strategies addressing reduction in greenhouse gas emissions; amending s. 489.105, F.S.; expanding the scope of the definition of "roofing contractor" to include contractors performing required roof-deck attachments and any repair or replacement of wood roof sheathing or fascia as needed during roof repair or replacement; amending s. 553.36, F.S.; redefining the term "manufactured building" for purposes of the Florida Manufactured Building Act to include modular and factory-built buildings; amending s. 553.37, F.S.; requiring the Department of Community Affairs to adopt rules related to the inspection, construction, and modification of manufactured buildings; requiring the department to develop an insignia to be affixed to newly constructed manufactured buildings; authorizing the department to charge a fee for the insignia; providing requirements for the insignia; requiring the department to develop minimum criteria for a manufacturer's data plate; amending s. 553.381, F.S.; conforming provisions; amending s. 553.415, F.S.; requiring the department to require that an insignia be affixed to all newly constructed factory-built school buildings; providing requirements for the manufacturer's data plate; amending s. 553.71, F.S.; providing a definition; amending s. 553.73, F.S.; expanding required codes to be included in Florida Building Code updates; expanding the list of reasons the commission may amend the Florida Building Code; providing requirements for the retroactive application of parts of the Florida Building Code to commercial wireless communications towers; amending s. 553.74, F.S.; revising requirements for selecting members of the Florida Building Commission; revising membership of the commission; deleting obsolete provisions; amending s. 553.75, F.S.; authorizing the Florida Building Commission to use communications media technology in conducting its meetings or meetings held in conjunction with commission meetings; providing for public comment at meetings of the commission; amending s. 553.77, F.S.; authorizing the commission to implement recommendations relating to energy efficiency in residential and commercial buildings; amending s. 553.775, F.S.; authorizing the commission to render declaratory statements; amending s. 553.80, F.S.; providing that the enforcement of construction regulations relating to secure mental health treatment facilities under the jurisdiction of the Department of Children and Family Services shall be enforced exclusively by the department in conjunction with the review authority of the Agency for Health Care Administration; requiring that the basis for a fee structure for allowable activities include consideration for refunding fees due to reduced services based on certain services; amending s. 553.842, F.S.; requiring the commission to review the list of product evaluation entities; providing reporting requirements; providing for rulemaking; designating an entity as an approved production evaluation entity until October 1, 2009; providing criteria for substitution of approved products under certain conditions; providing for the expiration of certain product approvals; amending s. 553.844, F.S.; revising provisions requiring the adoption of certain mitigation techniques by the Florida Building Commission within the Florida Building Code for certain structures; amending s. 553.885, F.S.; requiring the installation of carbon monoxide detectors in certain new hospitals, hospice and nursing homes facilities; 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.; establishing a schedule of required increases in the energy performance of buildings subject to the Florida Building Code; 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; requiring the commission to adopt by rule a definition of the term "cost-effectiveness test"; providing that the commission implement a cost-effectiveness test; providing requirements for the test; 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; repealing s. 553.731, F.S., relating to wind-borne debris protection requirements; providing for construction and interpretation

of the repeal; repealing s. 627.351(6)(a)6., F.S.; providing requirements for certain properties to meet building code plus requirements as a condition of eligibility for coverage by Citizens Property Insurance Corporation; amending s. 336.41, F.S.; providing that a county, municipality, or special district may not own or operate an asphalt plant or a portable or stationary concrete batch plant having an independent mixer; amending s. 718.113, F.S.; authorizing the board of a condominium or a multicondominium to install solar collectors, clotheslines, or other energy-efficient devices on association property; requiring the Florida Building Commission to include certain information in its report to the Legislature; providing an effective date.

MOTION

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

Senator Bennett moved the following amendment to **Amendment 1** which was adopted:

**Amendment 1A (088502)(with title amendment)**—Between line(s) 257 and 258 insert:

Section 3. Paragraph (a) of subsection (3) of section 377.806, Florida Statutes, is amended to read:

377.806 Solar Energy System Incentives Program.—

(3) SOLAR THERMAL SYSTEM INCENTIVE.—

(a) Eligibility requirements.—A solar thermal system qualifies for a rebate if:

1. The system is installed by a state-licensed solar or plumbing contractor or a roofing contractor installing standing seam hybrid thermal roofs.
2. The system complies with all applicable building codes as defined by the local jurisdictional authority.

And the title is amended as follows:

On line(s) 998, after the first semicolon (;) insert: amending s. 377.806, F.S.; revising eligibility requirements for rebates under the Solar Energy System Incentives Program;

**Amendment 1** as amended was adopted.

On motion by Senator Constantine, by two-thirds vote **CS for HB 697** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Dockery	Oelrich
Alexander	Fasano	Peaden
Aronberg	Gaetz	Posey
Atwater	Garcia	Rich
Baker	Geller	Ring
Bennett	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—None

**HB 7109**—A bill to be entitled An act relating to small business regulatory relief; creating s. 288.001, F.S.; designating the Florida Small Business Development Center Network as the principal business assistance organization for small businesses in the state; creating s. 288.7001, F.S.; providing a short title; providing definitions; creating the Small Business Regulatory Advisory Council; providing for appointments, membership, and meetings; providing powers and duties of the council;

providing administrative location for council; providing for periodic review of agency rules by the council with agency sunset review; providing timelines for review; providing for the council to issue a report; creating s. 288.7002, F.S.; providing definitions; creating the Office of Small Business Advocate; providing for selection of the Florida Small Business Advocate; providing for preferred qualifications of the advocate; providing duties of the advocate; providing for agency cooperation with the advocate; providing for an annual report by the advocate to the Governor and Legislature; amending s. 11.908, F.S.; including the Small Business Regulatory Advisory Council among groups that may be consulted for agency or committee review; amending s. 11.911, F.S.; providing for the inclusion of the report of the Small Business Regulatory Advisory Council in the Legislative Sunset Committee’s recommendations; amending s. 11.919, F.S.; requiring agency assistance to the Small Business Regulatory Advisory Council; authorizing the council to access or request information and assistance; amending s. 120.54, F.S.; requiring an agency to prepare a statement of estimated regulatory costs; requiring agency notification to the Small Business Regulatory Advisory Council relating to proposed agency action affecting small business; requiring an agency to adopt regulatory alternatives offered by the council under certain circumstances; providing for rule filing extension when regulatory alternatives are offered by the council; providing for outside review of regulatory alternatives not adopted by an agency and for an agency response; amending s. 120.74, F.S.; requiring biennial rule review by each agency to consider the impact of rules on small business; requiring the economic impact of the rules to be included in a report to the Legislature; providing an effective date.

—was read the third time by title.

On motion by Senator Diaz de la Portilla, **HB 7109** was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Dockery	Oelrich
Alexander	Fasano	Peadar
Aronberg	Gaetz	Posey
Atwater	Garcia	Rich
Baker	Geller	Ring
Bennett	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—None

**CS for SB 1300**—A bill to be entitled An act relating to fish and wildlife; amending s. 253.04, F.S., relating to the protection of state lands; providing definitions; providing that it is a civil infraction to operate a vessel outside a marked channel in a manner that causes seagrass scarring; providing penalties; amending s. 327.73, F.S., relating to noncriminal infractions; establishing civil penalties for the destruction of seagrasses; amending s. 372.73, F.S., relating to the disposition of illegally taken wildlife; providing for the disposition of such wildlife; providing for the documentation of illegally taken wildlife; creating s. 372.731, F.S., relating to photographs of illegally taken wildlife; providing for the admission of photographs as evidentiary materials; providing conditions under which such photographs shall be taken; providing an effective date.

—was read the third time by title.

Amendments were considered and adopted to conform **CS for SB 1300** to **CS for HB 7059**.

Pending further consideration of **CS for SB 1300** as amended, on motion by Senator Saunders, by two-thirds vote **CS for HB 7059** was withdrawn from the Committees on Environmental Preservation and Conservation; Judiciary; and General Government Appropriations.

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

**CS for HB 7059**—A bill to be entitled An act relating to the protection of wild and aquatic life; amending s. 253.03, F.S.; requiring the Board of Trustees of the Internal Improvement Trust Fund to provide for the establishment of seagrass mitigation banks for specified purposes; amending s. 253.04, F.S.; providing that careless operation of a vessel outside a marked channel that causes seagrass scarring within certain aquatic preserves is a civil infraction; defining the terms “seagrass scarring” and “seagrasses”; providing that refusal to post bond or sign a boating citation is a second degree misdemeanor; providing criminal penalties; requiring that civil penalties collected for the careless operation of a vessel causing seagrass scarring be deposited into the Internal Improvement Trust Fund and used for specified purposes; amending s. 253.034, F.S.; creating a monitoring team for the purposes of reviewing management plans of state-owned lands; providing review procedures; amending s. 259.037, F.S.; requiring agencies to report additional information to the Division of State Lands; amending s. 327.73, F.S.; providing civil penalties for seagrass scarring; amending s. 372.73, F.S.; providing for the forfeiture of illegally taken wildlife, freshwater fish, and saltwater fish to investigating law enforcement agencies; authorizing investigating law enforcement agencies to dispose of such wildlife, freshwater fish, and saltwater fish in a specified manner; requiring certain documentation; requiring the release of certain wildlife, freshwater fish, and saltwater fish to native habitats; providing for release of nonnative species by rule; revising provisions for the deposit of certain proceeds relating to the confiscation and disposition of illegally taken wildlife, freshwater fish, and saltwater fish; authorizing certain law enforcement agencies to receive specified portions of forfeited property; creating s. 372.731, F.S.; providing for photographs of illegally taken wildlife, freshwater fish, or saltwater fish to be admissible as evidence in the prosecution of certain violations; specifying requirements and procedures for such photographs; amending ss. 370.021, 370.061, 372.9901, 372.9904, and 932.7055, F.S.; conforming cross-references; repealing s. 327.803, F.S., relating to the Boating Advisory Council; repealing s. 372.107, F.S., relating to the Federal Law Enforcement Trust Fund within the Fish and Wildlife Conservation Commission; providing an effective date.

—a companion measure, was substituted for **CS for SB 1300** as amended and read the second time by title.

**MOTION**

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

Senator Saunders moved the following amendment which was adopted:

**Amendment 1 (639446)(with title amendment)**—Delete everything after the enacting clause and insert:

Section 1. Subsection (18) is added to section 253.03, Florida Statutes, to read:

253.03 Board of trustees to administer state lands; lands enumerated.—

(18) *The Board of Trustees of the Internal Improvement Trust Fund may ensure the preservation and regeneration of seagrass, as defined in s. 253.04(4)(a)2., by providing for the establishment of seagrass mitigation banks, pursuant to s. 373.4136, to offset the unavoidable impacts of projects where such banks meet the applicable public interest test of chapters 253 and 258. This subsection shall not prohibit mitigation for impacts to seagrass or other habitats on sovereignty submerged lands for other types of projects, or for projects occurring on nonsovereign submerged lands, upon applicable approval of the board of trustees.*

Section 2. Paragraph (c) is added to subsection (5) of section 253.034, Florida Statutes, to read:

253.034 State-owned lands; uses.—

(5) Each manager of conservation lands shall submit to the Division of State Lands a land management plan at least every 10 years in a form and manner prescribed by rule by the board and in accordance with the provisions of s. 259.032. Each manager of conservation lands shall also update a land management plan whenever the manager proposes to add

new facilities or make substantive land use or management changes that were not addressed in the approved plan, or within 1 year of the addition of significant new lands. Each manager of nonconservation lands shall submit to the Division of State Lands a land use plan at least every 10 years in a form and manner prescribed by rule by the board. The division shall review each plan for compliance with the requirements of this subsection and the requirements of the rules established by the board pursuant to this section. All land use plans, whether for single-use or multiple-use properties, shall include an analysis of the property to determine if any significant natural or cultural resources are located on the property. Such resources include archaeological and historic sites, state and federally listed plant and animal species, and imperiled natural communities and unique natural features. If such resources occur on the property, the manager shall consult with the Division of State Lands and other appropriate agencies to develop management strategies to protect such resources. Land use plans shall also provide for the control of invasive nonnative plants and conservation of soil and water resources, including a description of how the manager plans to control and prevent soil erosion and soil or water contamination. Land use plans submitted by a manager shall include reference to appropriate statutory authority for such use or uses and shall conform to the appropriate policies and guidelines of the state land management plan. Plans for managed areas larger than 1,000 acres shall contain an analysis of the multiple-use potential of the property, which analysis shall include the potential of the property to generate revenues to enhance the management of the property. Additionally, the plan shall contain an analysis of the potential use of private land managers to facilitate the restoration or management of these lands. In those cases where a newly acquired property has a valid conservation plan that was developed by a soil and conservation district, such plan shall be used to guide management of the property until a formal land use plan is completed.

(c) Beginning July 1, 2010, and every 3 years thereafter, state-owned lands with an approved land management plan shall be monitored for land management activities by a monitoring team. The Division of State Lands shall coordinate the activities of the monitoring team, which shall consist of three members. One member shall be selected by the Executive Director of the Fish and Wildlife Conservation Commission or a designee, and shall have experience with applied habitat management. One member shall be selected by the Secretary of the Department of Environmental Protection or a designee, and shall have experience with public recreation or use administration. One member shall be selected by the Commissioner of Agriculture or a designee, and shall have experience with applied land management. The Division of State Lands shall provide the monitoring team with the operational report prepared pursuant to s. 259.037(6). The monitoring team shall prepare a monitoring report that assesses the progress towards achieving short-term and long-term land management goals, as identified in the operational report, and shall propose corrective actions for identified deficiencies in management activities. The monitoring report shall be submitted to the Acquisition and Restoration Council and the managing agency. The Acquisition and Restoration Council shall review the monitoring report and determine whether the deficiencies warrant a corrective action plan or revisions to the management plan. Significant and recurring deficiencies shall be brought to the Board of Trustees, which shall determine whether the corrective actions being proposed by the land manager and the Acquisition and Restoration Council sufficiently address the deficiencies. Corrective action plans shall be prepared and submitted in the same manner as land management plans.

Section 3. Subsection (4) of section 253.04, Florida Statutes, is amended to read:

253.04 Duty of board to protect, etc., state lands; state may join in any action brought.—

(4) Whenever any person or the agent of any person knowingly refuses to comply with or willfully violates any of the provisions of this chapter so that such person causes damage to the lands of the state or products thereof, including removal of those products, such violator is liable for such damage. Whenever two or more persons or their agents cause damage, and if such damage is indivisible, each violator is jointly and severally liable for such damage; however, if such damage is divisible and may be attributed to a particular violator or violators, each violator is liable only for that damage and subject to the fine attributable to his or her violation.

(a) The duty to conserve and improve state-owned lands and the products thereof shall include the preservation and regeneration of sea-

grass, which is deemed essential to the oceans, gulfs, estuaries, and shorelines of the state. Any person operating a vessel outside a lawfully marked channel in a careless manner that causes seagrass scarring within an aquatic preserve established in ss. 258.39-258.399 with the exception of the Lake Jackson, Oklawaha River, Wekiva River, and Rainbow Springs aquatic preserves, commits a civil infraction, punishable as provided in s. 327.73. Each violation is a separate offense. As used in this subsection, the term:

1. "Seagrass scarring" means destruction of seagrass roots, shoots or stems that results in tracks on the substrate, caused by the operation of a motorized vessel in waters supporting seagrasses, commonly referred to as prop-scars or propeller scars.

2. "Seagrasses" means Cuban shoal grass (*Halodule wrightii*), turtle grass (*Thalassia testudinum*), manatee grass (*Syringodium filiforme*), star grass (*Halophila engelmannii*), paddle grass (*Halophila decipiens*), Johnsons seagrass (*Halophila johnsonii*) or widgeon grass (*Ruppia maritima*).

(b) Any violation of this subsection is a violation of the boating laws of this state and shall be charged on a uniform boating citation as provided in s. 327.74. Any person who refuses to post a bond or accept and sign a uniform boating citation commits a misdemeanor of the second degree, as provided in s. 327.73(3), punishable as provided in s. 775.082 or s. 775.083.

Section 4. Subsection (6) is added to section 259.037, Florida Statutes, to read:

259.037 Land Management Uniform Accounting Council.—

(6) Beginning July 1, 2010, and every 3 years thereafter, each reporting agency shall also submit an operational report for each management area along with an approved management plan. The report should assess the progress toward achieving short-term and long-term management goals of the approved management plan, including all land management activities, and identify any deficiencies in management and corrective actions to address identified deficiencies as appropriate. This report shall be submitted to the Division of State Lands for inclusion in its annual report required pursuant to s. 259.036.

Section 5. Paragraph (x) of subsection (1) of section 327.73, Florida Statutes, is created to read:

327.73 Noncriminal infractions.—

(1) Violations of the following provisions of the vessel laws of this state are noncriminal infractions:

(x) Section 253.04(4)(a), relating to carelessly causing seagrass scarring, for which the civil penalty is:

1. Fifty dollars upon conviction for a first offense.
2. Two hundred and fifty dollars upon conviction for a second offense occurring within 12 months after a prior conviction.
3. Five hundred dollars upon conviction for a third offense occurring within 36 months after a prior conviction.
4. One thousand dollars upon conviction for a fourth or subsequent offense.

Any person cited for a violation of any such provision shall be deemed to be charged with a noncriminal infraction, shall be cited for such an infraction, and shall be cited to appear before the county court. The civil penalty for any such infraction is \$50, except as otherwise provided in this section. Any person who fails to appear or otherwise properly respond to a uniform boating citation shall, in addition to the charge relating to the violation of the boating laws of this state, be charged with the offense of failing to respond to such citation and, upon conviction, be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. A written warning to this effect shall be provided at the time such uniform boating citation is issued.

Section 6. Paragraph (m) of subsection (2) of section 370.021, Florida Statutes, is amended to read:

370.021 Administration; rules, publications, records; penalties; injunctions.—

(2) MAJOR VIOLATIONS.—In addition to the penalties provided in paragraphs (1)(a) and (b), the court shall assess additional penalties against any commercial harvester convicted of major violations as follows:

(m) For a violation involving the taking or harvesting of any marine life species, as those species are defined by rule of the commission, the harvest of which is prohibited, or the taking or harvesting of such a species out of season, or with an illegal gear or chemical, or any violation involving the possession of 25 or more individual specimens of marine life species, or any combination of violations in any 3-year period involving more than 70 such specimens in the aggregate, the suspension or revocation of the licenseholder's marine life endorsement as provided in paragraph (h).

The penalty provisions of this subsection apply to commercial harvesters and wholesale and retail dealers as defined in s. 370.07. Any other person who commits a major violation under this subsection commits a Level Three violation under s. 372.83. Notwithstanding the provisions of s. 948.01, no court may suspend, defer, or withhold adjudication of guilt or imposition of sentence for any major violation prescribed in this subsection. The proceeds from the penalties assessed pursuant to this subsection shall be deposited into the Marine Resources Conservation Trust Fund to be used for marine fisheries research ~~or into the commission's Federal Law Enforcement Trust Fund as provided in s. 372.107, as applicable.~~

Section 7. Subsection (4), paragraph (c) of subsection (5) of section 370.061, Florida Statutes, are amended to read:

370.061 Confiscation, seizure, and forfeiture of property and products.—

(4) DESTRUCTION OR DISPOSITION OF PROPERTY.—All property forfeited under this section may be destroyed, used by the commission, disposed of by gift to charitable or state institutions, or sold, with the proceeds derived from the sale deposited into the Marine Resources Conservation Trust Fund to be used for law enforcement purposes, ~~or into the commission's Federal Law Enforcement Trust Fund as provided in s. 372.107, as applicable.~~

(5) CONFISCATION AND SALE OF PERISHABLE SALTWATER PRODUCTS; PROCEDURE.—

(c) In the event of acquittal, the proceeds of a sale or the bond or cash deposit required by this subsection shall be returned to the defendant. In the event of a conviction, the proceeds of a sale or the bond or cash deposit required by this subsection shall be deposited into the Marine Resources Conservation Trust Fund to be used for law enforcement purposes ~~or into the commission's Federal Law Enforcement Trust Fund as provided in s. 372.107, as applicable.~~ Such deposit into the Marine Resources Conservation Trust Fund ~~or the Federal Law Enforcement Trust Fund~~ shall constitute confiscation.

Section 8. Section 372.73, Florida Statutes, is amended to read:

372.73 Confiscation and disposition of illegally taken *wildlife, freshwater fish, and saltwater fish game*.—

(1) All *wildlife, game and freshwater fish, and saltwater fish* seized under the authority of this chapter, *any other chapter, or rules of the commission* shall, upon conviction of the offender or sooner in accordance with a court order ~~if the court so orders~~, be forfeited to the investigating law enforcement agency. *The law enforcement agency may elect to retain the wildlife, freshwater fish, or saltwater fish for the agency's official use; transfer it to another unit of state or local government for official use; donate it to a charitable organization; sell it at public sale, pursuant to the provisions of s. 705.103; or destroy the wildlife, freshwater fish, or saltwater fish if none of the other options are practicable or if the wildlife, freshwater fish, or saltwater fish is unwholesome or otherwise not of appreciable value. All live wildlife, freshwater fish, and saltwater fish, the possession of which is unlawful, shall be properly documented as evidence as provided in s. 372.731, and returned to the habitat unharmed, except that nonnative species may be released only as allowed by rules of the commission. Any unclaimed wildlife, freshwater fish, or saltwater fish shall be retained by the investigating law enforcement*

*agency and disposed of in accordance with the above provisions and given to some hospital or charitable institution and receipt therefor sent to the Fish and Wildlife Conservation Commission.*

(2) All furs or hides or fur-bearing animals seized under the authority of this chapter shall, upon conviction of the offender, be forfeited and sent to the commission, which shall sell the same and deposit the proceeds of such sale to the credit of the State Game Trust Fund ~~or into the commission's Federal Law Enforcement Trust Fund as provided in s. 372.107, as applicable.~~ If any such hides or furs are seized and the offender is unknown, the court shall order such hides or furs sent to the Fish and Wildlife Conservation Commission, which shall sell such hides and furs.

(3) *Except as otherwise provided, and deposit the proceeds of any such sale pursuant to this section shall be remitted to the Department of Revenue to be deposited to the credit of the State Game Trust Fund or the Marine Resources Conservation Trust Fund into the commission's Federal Law Enforcement Trust Fund as provided in s. 372.107, as applicable.*

(4) *Any state, municipal, or county law enforcement agency that enforces or assists the commission in enforcing the provisions of this chapter, which results in a forfeiture of property as provided in this section, shall be entitled to receive all or a share of any property based upon its participation in such enforcement.*

Section 9. Section 372.731, Florida Statutes, is created to read:

372.731 *Photographs of illegally taken wildlife, freshwater fish, and saltwater fish.—In any prosecution for a violation of chapter 370, this chapter, or rules of the commission, a photograph of the illegally taken wildlife, freshwater fish, or saltwater fish may be deemed competent evidence of such property and may be admissible in the prosecution to the same extent as if such wildlife, freshwater fish, or saltwater fish were introduced as evidence. Such photograph shall bear a written description of the wildlife, freshwater fish, or saltwater fish alleged to have been illegally taken, the name of the violator, the location where the alleged wrongful taking occurred, the name of the investigating law enforcement officer, the date the photograph was taken, and the name of the photographer. Such writing shall be made under oath by the investigating law enforcement officer, and the photograph shall be identified by the signature of the photographer.*

Section 10. Subsection (5) of section 372.9901, Florida Statutes, is amended to read:

372.9901 Seizure of illegal hunting devices; disposition; notice; forfeiture.—In order to protect the state's wildlife resources, any vehicle, vessel, animal, gun, light, or other hunting device used or attempted to be used in connection with, as an instrumentality of, or in aiding and abetting in the commission of an offense prohibited by s. 372.99 is subject to seizure and forfeiture. The provisions of chapter 932 do not apply to any seizure or forfeiture under this section. For purposes of this section, a conviction is any disposition other than acquittal or dismissal.

(5) All amounts received from the sale or other disposition of the property shall be paid into the State Game Trust Fund ~~or into the commission's Federal Law Enforcement Trust Fund as provided in s. 372.107, as applicable.~~ If the property is not sold or converted, it shall be delivered to the executive director of the commission.

Section 11. Subsection (3) of section 372.9904, Florida Statutes, is amended to read:

372.9904 Seizure of illegal transportation devices; disposition; appraisal; forfeiture.—

(3) Upon conviction of the violator, the property, if owned by the person convicted, shall be forfeited to the state under the procedure set forth in ss. 370.061 and 370.07, when not inconsistent with this section. All amounts received from the sale or other disposition of the property shall be paid into the State Game Trust Fund ~~or into the commission's Federal Law Enforcement Trust Fund as provided in s. 372.107, as applicable.~~ If the property is not sold or converted, it shall be delivered to the director of the Fish and Wildlife Conservation Commission.

Section 12. Paragraph (e) of subsection (6) of section 932.7055, Florida Statutes, is amended to read:

932.7055 Disposition of liens and forfeited property.—

(6) If the seizing agency is a state agency, all remaining proceeds shall be deposited into the General Revenue Fund. However, if the seizing agency is:

(e) The Fish and Wildlife Conservation Commission, the proceeds accrued pursuant to the provisions of the Florida Contraband Forfeiture Act shall be deposited into the State Game Trust Fund as provided in ss. 372.73, 372.9901, and 372.9904, into the Marine Resources Conservation Trust Fund as provided in s. 370.061, ~~or into the commission's Federal Law Enforcement Trust Fund as provided in s. 372.107, as applicable.~~

Section 13. Subsection (1) of section 253.002, Florida Statutes, is amended to read:

253.002 Department of Environmental Protection, water management districts, and Department of Agriculture and Consumer Services; duties with respect to state lands.—

(1) The Department of Environmental Protection shall perform all staff duties and functions related to the acquisition, administration, and disposition of state lands, title to which is or will be vested in the Board of Trustees of the Internal Improvement Trust Fund. However, upon the effective date of rules adopted pursuant to s. 373.427, a water management district created under s. 373.069 shall perform the staff duties and functions related to the review of any application for authorization to use board of trustees-owned submerged lands necessary for an activity regulated under part IV of chapter 373 for which the water management district has permitting responsibility as set forth in an operating agreement adopted pursuant to s. 373.046(4); and the Department of Agriculture and Consumer Services shall perform the staff duties and functions related to the review of applications and compliance with conditions for use of board of trustees-owned submerged lands under authorizations or leases issued pursuant to ss. 253.67-253.75 and 597.010. Unless expressly prohibited by law, the board of trustees may delegate to the department any statutory duty or obligation relating to the acquisition, administration, or disposition of lands, title to which is or will be vested in the board of trustees. The board of trustees may also delegate to any water management district created under s. 373.069 the authority to take final agency action, without any action on behalf of the board, on applications for authorization to use board of trustees-owned submerged lands for any activity regulated under part IV of chapter 373 for which the water management district has permitting responsibility as set forth in an operating agreement adopted pursuant to s. 373.046(4). This water management district responsibility under this subsection shall be subject to the department's general supervisory authority pursuant to s. 373.026(7). The board of trustees may also delegate to the Department of Agriculture and Consumer Services the authority to take final agency action on behalf of the board on applications to use board of trustees-owned submerged lands for any activity for which that department has responsibility pursuant to ss. 253.67-253.75 and 597.010. However, the board of trustees shall retain the authority to take final agency action on establishing any areas for leasing, new leases, expanding existing lease areas, or changing the type of lease activity in existing leases. Upon issuance of an aquaculture lease or other real property transaction relating to aquaculture, the Department of Agriculture and Consumer Services must send a copy of the document and the accompanying survey to the Department of Environmental Protection. *Unless otherwise expressly superseded, the board of trustees may also delegate to the Fish and Wildlife Conservation Commission the authority to take final agency action, without any action on behalf of the board, on applications for authorization to use board of trustees-owned submerged lands for any activity regulated under ss. 369.20 and 369.22. The amendments to section 253.002, Florida Statutes, in this act prevail over any conflicting amendments to that section contained in SB 1294 and enacted during the 2008 Regular Session.*

Section 14. (1) *Except as otherwise provided in subsection (2), all of the powers, duties, functions, records, personnel, and property; unexpended balances of appropriations, allocations, and other funds; administrative authority; administrative rules; pending issues; and existing contracts of the Bureau of Invasive Plant Management in the Department of Environmental Protection are transferred by a type two transfer, pursuant to s. 20.06(2), Florida Statutes, to the Fish and Wildlife Conservation Commission.*

(2) *The statutory powers, duties, and functions of the Bureau of Invasive Plant Management in the Department of Environmental Protection under ss. 369.25 and 369.251, Florida Statutes, are transferred to the Department of Agriculture and Consumer Services.*

Section 15. *Section 327.803, Florida Statutes, is repealed.*

Section 16. *Section 372.107, Florida Statutes, is repealed.*

Section 17. This act shall take effect July 1, 2008.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to fish and wildlife; amending s. 253.03, F.S.; requiring the Board of Trustees to provide for the establishment of seagrass mitigation banks for specific purposes; amending s. 253.034, F.S.; creating a monitoring team for the purposes of reviewing management plans of state-owned lands; providing review procedures; amending s. 253.04, F.S.; relating to the protection of state lands; providing definitions; providing that it is a civil infraction to operate a vessel outside a marked channel in a manner that causes seagrass scarring; providing penalties; amending s. 259.037, F.S.; requiring state-owned land managing agencies report additional information to the Division of State Lands; amending s. 327.73, F.S., relating to noncriminal infractions; establishing civil penalties for the destruction of seagrasses; amending ss. 370.021 and 370.061, F.S., conforming cross-references; amending s. 372.73, F.S., relating to the disposition of illegally taken wildlife; providing for the disposition of such wildlife; providing for the documentation of illegally taken wildlife; creating s. 372.731, F.S., relating to photographs of illegally taken wildlife; providing for the admission of photographs as evidentiary materials; providing conditions under which such photographs shall be taken; amending ss. 372.9901, 372.9904, and 932.7055, F.S., conforming cross-references; repealing ss. 327.803 and 372.107, F.S.; amends s. 253.002, F.S.; providing for a type two transfer of the Bureau of Invasive Plant Management to the Fish and Wildlife Conservation Commission; providing an effective date.

On motion by Senator Saunders, by two-thirds vote **CS for HB 7059** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

## SPECIAL ORDER CALENDAR

Consideration of **CS for CS for SB 474** was deferred.

**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 read the second time by title.

Amendments were considered and adopted to conform **CS for CS for SB 1914** to **CS for HB 7045**.

Pending further consideration of **CS for CS for SB 1914** as amended, on motion by Senator Gaetz, by two-thirds vote **CS for HB 7045** was withdrawn from the Committees on Education Pre-K - 12; and Education Pre-K - 12 Appropriations.

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

**CS for HB 7045**—A bill to be entitled An act relating to public school curricular standards; amending s. 1003.41, F.S.; requiring the State Board of Education to review the Sunshine State Standards and replace them with enhanced curricular standards; establishing requirements for the standards; providing requirements for the adoption, review, and revision of the standards; requiring evaluation of proposed standards; authorizing the adoption of rules; amending s. 220.187, F.S.; revising requirements for the selection of norm-referenced tests administered by private schools for purposes of the Corporate Income Tax Credit Scholarship Program; amending s. 1000.21, F.S.; revising the systemwide definition of "Sunshine State Standards"; amending s. 1001.03, F.S.; requiring the state board to review and revise the Sunshine State Standards; conforming provisions; amending s. 1001.41, F.S.; conforming provisions relating to district school board adoption of standards and policies; amending s. 1001.42, F.S.; prohibiting school district expenditure of legislative appropriations for purposes of Florida Comprehensive Assessment Test (FCAT) preparation; providing penalties for unlawful expenditures; amending ss. 1003.428, 1003.429, 1003.43, 1003.433, 1003.63, 1006.28, and 1006.31, F.S.; conforming provisions and cross-references; amending s. 1006.34, F.S.; specifying additional criteria for evaluating instructional materials; conforming provisions; amending s. 1006.38, F.S.; conforming provisions; amending s. 1006.40, F.S.; requiring instructional materials to align to the Sunshine State Standards; prohibiting school district expenditure of the instructional materials allocation for purposes of FCAT preparation; requiring notification to manufacturers and publishers; providing a penalty; authorizing purchases of specified content or devices; amending s. 1008.22, F.S.; revising requirements and conforming provisions relating to the statewide assessment program; revising powers and duties of the Commissioner of Education; requiring the FCAT to assess students in social studies by a certain time; providing for end-of-course assessments; requiring the content knowledge and skills assessed by the FCAT and end-of-course assessments to align to the Sunshine State Standards; authorizing the commissioner to select certain nationally developed examinations as end-of-course assessments under specified conditions; deleting provisions relating to documentation of certain testing procedures; providing restrictions on the development or publication of test-preparation materials; deleting requirements for norm-referenced tests; revising requirements for assessments of writing; establishing requirements for FCAT testing and reporting schedules; prohibiting practice testing and FCAT-preparation activities under certain conditions; authorizing certain test-preparation activities; requiring public schools to comply with statewide assessment and reporting schedules; establishing requirements for calculating student scores on revised statewide assessments; authorizing the administration of former assessments to be discontinued under certain circumstances; requiring the state board to adopt rules establishing passing scores on revised assessments required for a standard high school diploma; clarifying determination of concordant scores for the FCAT; revising requirements for an annual report on student performance; amending s. 1008.25, F.S.; requiring each district school board's student progression program to include performance in social studies; requiring assessment, remediation, and reporting related thereto; amending s. 1008.34, F.S.; exempting certain schools from receiving school grades; revising the definition of "home school" for purposes of calculating school grades for alternative schools; requiring annual collaboration among school principals concerning the school assignment of students attending an alternative school; conforming provisions; amending s. 1008.341, F.S.; exempting certain alternative schools from receiving school improvement ratings; conforming provisions; amending s. 1008.345, F.S.; conforming provisions; amending s. 1008.36, F.S.; revising criteria for financial awards under the Florida School Recognition Program; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1914** and read the second time by title.

Senator Gaetz moved the following amendment:

**Amendment 1 (510960)(with title amendment)**—Delete everything after the enacting clause and insert:

Section 1. Subsection (7) of section 1000.21, Florida Statutes, is amended to read:

1000.21 Systemwide definitions.—As used in the Florida K-20 Education Code:

(7) “Sunshine State Standards” or the “Next Generation Sunshine State Standards” means the state’s public K-12 curricular are standards established under s. 1003.41. The term includes the Sunshine State Standards that are in place for a subject until the standards for that subject are replaced under s. 1003.41 by the Next Generation Sunshine State Standards. ~~that identify what public school students should know and be able to do. These standards delineate the academic achievement of students for which the state will hold its public schools accountable in grades K-2, 3-5, 6-8, and 9-12, in the subjects of language arts, mathematics, science, social studies, the arts, health and physical education, foreign languages, reading, writing, history, government, geography, economics, and computer literacy.~~

Section 2. Subsection (1) of section 1001.03, Florida Statutes, is amended to read:

1001.03 Specific powers of State Board of Education.—

(1) PUBLIC K-12 CURRICULAR STUDENT PERFORMANCE STANDARDS.—The State Board of Education shall ~~adopt and periodically review and revise~~ approve the student performance standards known as the Sunshine State Standards in accordance with s. 1003.41 key academic subject areas and grade levels. The state board shall establish a schedule to facilitate the periodic review of the standards to ensure adequate rigor, relevance, logical student progression, and integration of reading, writing, and mathematics across all subject areas. The standards review by subject area must include participation of curriculum leaders in other content areas, including the arts, to ensure valid content area integration and to address the instructional requirements of different learning styles. The process for review and proposed revisions must include leadership and input from the state’s classroom teachers, school administrators, and community colleges and universities, and from representatives from business and industry who are identified by local education foundations. A report including proposed revisions must be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives annually to coincide with the established review schedule. The review schedule and an annual status report must be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives annually not later than January 1.

Section 3. Subsection (3) of section 1001.41, Florida Statutes, is amended to read:

1001.41 General powers of district school board.—The district school board, after considering recommendations submitted by the district school superintendent, shall exercise the following general powers:

(3) ~~Prescribe and~~ Adopt standards and policies that to provide each student the opportunity to receive a complete education program, including instruction in the core curricular content established in language arts, mathematics, science, social studies, health, physical education, foreign languages, and the arts, as defined by the Next Generation Sunshine State Standards. The standards and policies must emphasize integration and reinforcement of reading, writing, and mathematics skills across all subjects, including career awareness, career exploration, and Career and technical education standards and policies must integrate with and reinforce the Next Generation Sunshine State Standards.

Section 4. Paragraph (a) of subsection (1) of section 1001.452, Florida Statutes, is amended to read:

1001.452 District and school advisory councils.—

(1) ESTABLISHMENT.—

(a) The district school board shall establish an advisory council for each school in the district and shall develop procedures for the election and appointment of advisory council members. Each school advisory council shall include in its name the words “school advisory council.” The school advisory council shall be the sole body responsible for final decisionmaking at the school relating to implementation of the provisions of ss. 1001.42(16) and 1008.345. A majority of the members of each school advisory council must be persons who are not employed by the school district. Each advisory council shall be composed of the principal and an appropriately balanced number of teachers, education support employees, students, parents, and other business and community citizens who are representative of the ethnic, racial, and economic community served by the school. Career center and high school advisory councils shall include students, and middle and junior high school advisory councils may include students. School advisory councils of career centers and adult education centers are not required to include parents as members. Council members representing teachers, education support employees, students, and parents shall be elected by their respective peer groups at the school in a fair and equitable manner as follows:

1. Teachers shall be elected by teachers.
2. Education support employees shall be elected by education support employees.
3. Students shall be elected by students.
4. Parents shall be elected by parents.

The district school board shall establish procedures for use by schools in selecting business and community members that include means of ensuring wide notice of vacancies and of taking input on possible members from local business, chambers of commerce, community and civic organizations and groups, and the public at large. The district school board shall review the membership composition of each advisory council. If the district school board determines that the membership elected by the school is not representative of the ethnic, racial, and economic community served by the school, the district school board shall appoint additional members to achieve proper representation. The commissioner shall determine if schools have maximized their efforts to include on their advisory councils minority persons and persons of lower socioeconomic status. Although schools are strongly encouraged to establish school advisory councils, the district school board of any school district that has a student population of 10,000 or fewer may establish a district advisory council which shall include at least one duly elected teacher from each school in the district. For the purposes of school advisory councils and district advisory councils, the term “teacher” shall include classroom teachers, certified student services personnel, and media specialists. For purposes of this paragraph, “education support employee” means any person employed by a school who is not defined as instructional or administrative personnel pursuant to s. 1012.01 and whose duties require 20 or more hours in each normal working week.

Section 5. Section 1003.41, Florida Statutes, is amended to read:

1003.41 Sunshine State Standards.—

(1) Public K-12 educational instruction in Florida is based on the “Sunshine State Standards.” *The State Board of Education shall review the Sunshine State Standards and replace them with the Next Generation Sunshine State Standards that establish the core content of the curricula to be taught in this state and that specify the core content knowledge and skills that the next generation of K-12 public school students are expected to acquire. The Next Generation Sunshine State Standards must, at a minimum:*

(a) *Establish the core curricular content for language arts, science, mathematics, and social studies, as follows:*

1. *Language arts standards must establish specific curricular content for, at a minimum, the reading process, literary analysis, the writing process, writing applications, communication, and information and media literacy. The standards must include distinct grade-level expectations for the core content knowledge and skills that a student is expected to have acquired by each individual grade level from kindergarten through grade 8. The standards for grades 9-12 may be organized by grade clusters of more than one grade level or strands within the content area. The State Board of Education shall, in accordance with the expedited schedule established under subsection (2), review and replace the*

language arts standards adopted by the state board in 2007 with Next Generation Sunshine State Standards that comply with this subparagraph.

2. Science standards must establish specific curricular content for, at a minimum, the nature of science, earth and space science, physical science, and life science. The standards must include distinct grade-level expectations for the core content knowledge and skills that a student is expected to have acquired by each individual grade level from kindergarten through grade 8. The science standards for grades 9 through 12 may be organized by grade clusters of more than one grade level.

3. Mathematics standards must establish specific curricular content for, at a minimum, algebra, geometry, probability, statistics, calculus, discrete mathematics, financial literacy, and trigonometry. The standards must include distinct grade-level expectations for the core content knowledge and skills that a student is expected to have acquired by each individual grade level from kindergarten through grade 8. The mathematics standards for grades 9 through 12 may be organized by grade clusters of more than one grade level.

4. Social studies standards must establish specific curricular content for, at a minimum, geography, United States and world history, government, civics, economics, and humanities. The standards must include distinct grade-level expectations for the core content knowledge and skills that a student is expected to have acquired by each individual grade level from kindergarten through grade 8. The social studies standards for grades 9 through 12 may be organized by grade clusters of more than one grade level.

(b) Establish the core curricular content for visual and performing arts, physical education, health, and foreign languages. Standards for these subjects must establish specific curricular content and include distinct grade-level expectations for the core content knowledge and skills that a student is expected to have acquired by each individual grade level from kindergarten through grade 5. The standards for grades 6 through 12 may be organized by grade clusters of more than one grade level.

(c) Identify the core curricular content that a student is expected to learn for each subject at each individual grade level in order to acquire the broad background knowledge needed for reading comprehension.

(d) Be rigorous and relevant and provide for the logical, sequential progression of core curricular content that incrementally increases a student's core content knowledge and skills over time.

(e) Integrate critical-thinking and problem-solving skills; communication, reading, and writing skills; mathematics skills; collaboration skills; contextual and applied-learning skills; technology-literacy skills; information and media-literacy skills; and civic-engagement skills.

(f) Be organized according to a uniform structure and format that is consistent for each subject. The Next Generation Sunshine State Standards shall, for each subject and grade level, use the same alphanumeric coding system.

(g) Be aligned to expectations for success in postsecondary education and high-skill, high-wage employment.

(2) By December 31, 2008, the State Board of Education shall establish an expedited schedule for adoption of the Next Generation Sunshine State Standards and shall establish by rule a schedule for the periodic review and revision of the standards. The state board shall adopt the Next Generation Sunshine State Standards for each subject by December 31, 2011.

(3)(a) The Commissioner of Education shall develop and submit to the State Board of Education proposed Next Generation Sunshine State Standards, and periodically submit proposed revisions to the standards, for adoption by the state board according to the schedules established under subsection (2). The commissioner, in developing the proposed standards, shall consult with renowned experts on K-12 curricular standards and content in each subject listed in paragraphs (1)(a) and (b) and shall consider standards that are implemented by other states or nations and regarded as exceptionally rigorous by the curricular and content experts. The commissioner may also consult with curricular and content experts in other subjects.

(b) The commissioner shall submit the proposed standards for review and comment by state educators, school administrators, representatives

of community colleges and state universities who have expertise in the content knowledge and skills necessary to prepare a student for postsecondary education, and leaders in business and industry. The commissioner, after considering any comments and making any revisions to the proposed standards, shall submit the standards for written evaluation by renowned experts on K-12 curricular standards and content.

(c) The commissioner, upon finalizing the proposed standards, shall submit the standards and evaluations by the curricular and content experts to the Governor, the President of the Senate, and the Speaker of the House of Representatives at least 21 days before the State Board of Education considers adoption of the proposed standards.

(4) The State Board of Education may adopt rules under ss. 120.536(1) and 120.54 to administer this section. ~~These standards have been adopted by the State Board of Education and delineate the academic achievement of students, for which the state will hold schools accountable, in grades K-2, 3-5, 6-8, and 9-12 in the subjects of language arts, mathematics, science, social studies, the arts, health and physical education, and foreign languages. They include standards in reading, writing, history, government, geography, economics, and computer literacy.~~

Section 6. Paragraph (i) of subsection (3) of section 1003.413, Florida Statutes, is amended to read:

1003.413 Florida Secondary School Redesign Act.—

(3) Based on these guiding principles, district school boards shall establish policies to implement the requirements of ss. 1003.4156, 1003.428, and 1003.493. The policies must address:

(i) An annual review of each high school student's electronic personal education plan pursuant to s. 1003.4156 and procedures for high school students who have not prepared an electronic personal education plan pursuant to s. 1003.4156 to prepare such plan.

Section 7. Paragraph (a) of subsection (2) and paragraph (b) of subsection (4) of section 1003.428, Florida Statutes, are amended to read:

1003.428 General requirements for high school graduation; revised.—

(2) The 24 credits may be earned through applied, integrated, and combined courses approved by the Department of Education and shall be distributed as follows:

(a) Sixteen core curriculum credits:

1. Four credits in English, with major concentration in composition, reading for information, and literature.

2. Four credits in mathematics, one of which must be Algebra I, a series of courses equivalent to Algebra I, or a higher-level mathematics course. School districts are encouraged to set specific goals to increase enrollments in, and successful completion of, geometry and Algebra II.

3. Three credits in science, two of which must have a laboratory component.

4. Three credits in social studies as follows: one credit in American history; one credit in world history; one-half credit in economics; and one-half credit in American government.

5. One credit in fine or performing arts, which may include speech and debate or practical arts.

6. One credit in physical education to include integration of health. Participation in an interscholastic sport at the junior varsity or varsity level for two full seasons shall satisfy the one-credit requirement in physical education if the student passes a competency test on personal fitness with a score of "C" or better. The competency test on personal fitness must be developed by the Department of Education. A district school board may not require that the one credit in physical education be taken during the 9th grade year. Completion of one semester with a grade of "C" or better in a marching band class, in a physical activity class that requires participation in marching band activities as an extra-curricular activity, or in a dance class shall satisfy one-half credit in physical education or one-half credit in performing arts. This credit may

not be used to satisfy the personal fitness requirement or the requirement for adaptive physical education under an individual education plan (IEP) or 504 plan. Completion of 2 years in a Reserve Officer Training Corps (R.O.T.C.) class, a significant component of which is drills, shall satisfy the one-credit requirement in physical education and the one-credit requirement in performing arts. This credit may not be used to satisfy the personal fitness requirement or the requirement for adaptive physical education under an individual education plan (IEP) or 504 plan.

(4) Each district school board shall establish standards for graduation from its schools, which must include:

(b) Earning passing scores on the FCAT, as defined in s. 1008.22(3)(c), or scores on a standardized test that are concordant with passing scores on the FCAT as defined in s. 1008.22(10) ~~s. 1008.22(9)~~.

Each district school board shall adopt policies designed to assist students in meeting the requirements of this subsection. These policies may include, but are not limited to: forgiveness policies, summer school or before or after school attendance, special counseling, volunteers or peer tutors, school-sponsored help sessions, homework hotlines, and study skills classes. Forgiveness policies for required courses shall be limited to replacing a grade of "D" or "F," or the equivalent of a grade of "D" or "F," with a grade of "C" or higher, or the equivalent of a grade of "C" or higher, earned subsequently in the same or comparable course. Forgiveness policies for elective courses shall be limited to replacing a grade of "D" or "F," or the equivalent of a grade of "D" or "F," with a grade of "C" or higher, or the equivalent of a grade of "C" or higher, earned subsequently in another course. The only exception to these forgiveness policies shall be made for a student in the middle grades who takes any high school course for high school credit and earns a grade of "C," "D," or "F" or the equivalent of a grade of "C," "D," or "F." In such case, the district forgiveness policy must allow the replacement of the grade with a grade of "C" or higher, or the equivalent of a grade of "C" or higher, earned subsequently in the same or comparable course. In all cases of grade forgiveness, only the new grade shall be used in the calculation of the student's grade point average. Any course grade not replaced according to a district school board forgiveness policy shall be included in the calculation of the cumulative grade point average required for graduation.

Section 8. Section 1003.4285, Florida Statutes, is created to read:

*1003.4285 Standard high school diploma designations.—By the 2008-2009 school year, each standard high school diploma shall include, as applicable:*

(1) *A designation of the student's major area of interest pursuant to the student's completion of credits as provided in s. 1003.428.*

(2) *A designation reflecting completion of accelerated college credit courses if the student is eligible for college credit pursuant to s. 1007.27 in four or more advanced placement, International Baccalaureate, Advanced International Certificate of Education, or dual enrollment courses. The Commissioner of Education shall establish guidelines for successful passage of examinations or coursework in each of the accelerated college credit options for purposes of this subsection.*

(3) *A designation reflecting career education certification in accordance with s. 1003.431.*

(4) *A designation reflecting Florida Ready to Work Certification in accordance with s. 1004.99.*

Section 9. Paragraph (a) of subsection (6) of section 1003.429, Florida Statutes, is amended to read:

1003.429 Accelerated high school graduation options.—

(6) Students pursuing accelerated 3-year high school graduation options pursuant to paragraph (1)(b) or paragraph (1)(c) are required to:

(a) Earn passing scores on the FCAT as defined in s. 1008.22(3)(c) or scores on a standardized test that are concordant with passing scores on the FCAT as defined in s. 1008.22(10) ~~s. 1008.22(9)~~.

Weighted grades referred to in paragraphs (b), (c), and (d) shall be applied to those courses specifically listed or identified by the department as rigorous pursuant to s. 1009.531(3) or weighted by the district school board for class ranking purposes.

Section 10. Paragraph (a) of subsection (5) of section 1003.43, Florida Statutes, is amended to read:

1003.43 General requirements for high school graduation.—

(5) Each district school board shall establish standards for graduation from its schools, and these standards must include:

(a) Earning passing scores on the FCAT, as defined in s. 1008.22(3)(c), or scores on a standardized test that are concordant with passing scores on the FCAT as defined in s. 1008.22(10) ~~s. 1008.22(9)~~.

The standards required in this subsection, and any subsequent modifications, shall be reprinted in the Florida Administrative Code even though not defined as "rules."

Section 11. Subsection (1) of section 1003.433, Florida Statutes, is amended to read:

1003.433 Learning opportunities for out-of-state and out-of-country transfer students and students needing additional instruction to meet high school graduation requirements.—

(1) Students who enter a Florida public school at the eleventh or twelfth grade from out of state or from a foreign country shall not be required to spend additional time in a Florida public school in order to meet the high school course requirements if the student has met all requirements of the school district, state, or country from which he or she is transferring. Such students who are not proficient in English should receive immediate and intensive instruction in English language acquisition. However, to receive a standard high school diploma, a transfer student must earn a 2.0 grade point average and pass the grade 10 FCAT required in s. 1008.22(3) or an alternate assessment as described in s. 1008.22(10) ~~s. 1008.22(9)~~.

Section 12. Paragraph (d) of subsection (6) of section 1003.63, Florida Statutes, is amended to read:

1003.63 Deregulated public schools pilot program.—

(6) ELEMENTS OF THE PROPOSAL.—The major issues involving the operation of a deregulated public school shall be considered in advance and written into the proposal.

(d) Upon receipt of the annual report required by paragraph (b), the Department of Education shall provide the State Board of Education, the Commissioner of Education, the President of the Senate, and the Speaker of the House of Representatives with a copy of each report and an analysis and comparison of the overall performance of students, to include all students in deregulated public schools whose scores are counted as part of the statewide assessment tests, versus comparable public school students in the district as determined by *statewide assessments administered under s. 1008.22(3) FCAT and district assessment tests and, as appropriate, the Florida Writes Assessment Test, and other assessments administered pursuant to s. 1008.22(3)*.

Section 13. Paragraphs (c) and (d) of subsection (3) of section 1004.85, Florida Statutes, are amended to read:

1004.85 Postsecondary educator preparation institutes.—

(3) Educator preparation institutes approved pursuant to this section may offer alternative certification programs specifically designed for noneducation major baccalaureate degree holders to enable program participants to meet the educator certification requirements of s. 1012.56. Such programs shall be competency-based educator certification preparation programs that prepare educators through an alternative route. An educator preparation institute choosing to offer an alternative certification program pursuant to the provisions of this section must implement a program previously approved by the Department of Education for this purpose or a program developed by the institute and approved by the department for this purpose. Approved programs shall be available for use by other approved educator preparation institutes.

(c) Upon completion of an alternative certification program approved pursuant to this subsection, a participant shall receive a credential from the sponsoring institution signifying satisfaction of the requirements of s. 1012.56(6) ~~s. 1012.56(5)~~ relating to mastery of professional preparation and education competence. A participant shall be eligible for educator certification through the Department of Education upon satisfaction

of all requirements for certification set forth in s. 1012.56(2), including demonstration of mastery of general knowledge, subject area knowledge, and professional preparation and education competence, through testing or other statutorily authorized means.

(d) If an institution offers an alternative certification program approved pursuant to this subsection, such program may be used by the school district or districts served by that institution in addition to the alternative certification program as required in s. 1012.56(8) s. 1012.56(7).

Section 14. Subsection (3) of section 1004.91, Florida Statutes, is amended to read:

1004.91 Career-preparatory instruction.—

(3) An adult student with a disability may be exempted from the provisions of this section. A student who possesses a college degree at the associate in applied science level or higher is exempt from this section. A student who has completed or who is exempt from the college-level communication and computation skills examination pursuant to s. 1008.29, or who is exempt from the college entry-level examination pursuant to s. 1008.29, is exempt from the provisions of this section. Students who have passed a state, national, or industry licensure exam are exempt from this section. *An adult student who is enrolled in an apprenticeship program that is registered with the Department of Education in accordance with the provisions of chapter 446 is exempt from the provisions of this section.*

Section 15. Paragraph (d) of subsection (3) of section 1004.99, Florida Statutes, is amended, present subsection (4) of that section is renumbered as subsection (5), and a new subsection (4) is added to that section, to read:

1004.99 Florida Ready to Work Certification Program.—

(3) The Florida Ready to Work Certification Program shall be composed of:

(d) A *Florida Ready to Work Credential certificate* and portfolio awarded to students upon successful completion of the instruction. Each portfolio must delineate the skills demonstrated by the student as evidence of the student's preparation for employment.

(4) *A Florida Ready to Work Credential shall be awarded to a student who successfully passes assessments in Reading for Information, Applied Mathematics, and Locating Information or any other assessments of comparable rigor. Each assessment shall be scored on a scale of 3 to 7. The level of the credential each student receives is based on the following:*

(a) *A bronze-level credential requires a minimum score of 3 or above on each of the assessments.*

(b) *A silver-level credential requires a minimum score of 4 or above on each of the assessments.*

(c) *A gold-level credential requires a minimum score of 5 or above on each of the assessments.*

Section 16. Paragraph (c) of subsection (2) of section 1007.21, Florida Statutes, is amended to read:

1007.21 Readiness for postsecondary education and the workplace.—

(2)

(c) The common placement test authorized in ss. 1001.03(10) and 1008.30 or a similar test may be administered to all high school students ~~second semester sophomores~~ who have chosen one of the four destinations. The results of the placement test shall be used to target additional instructional needs in reading, writing, and mathematics prior to graduation.

Section 17. Paragraph (b) of subsection (2) of section 1007.235, Florida Statutes, is amended to read:

1007.235 District interinstitutional articulation agreements.—

(2) The district interinstitutional articulation agreement for each school year must be completed before high school registration for the fall term of the following school year. The agreement must include, but is not limited to, the following components:

(b)1. A delineation of courses and programs available to students eligible to participate in dual enrollment. This delineation must include a plan for the community college to provide guidance services to participating students on the selection of courses in the dual enrollment program. The process of community college guidance should make maximum use of the automated advisement system for community colleges. The plan must assure that each dual enrollment student is encouraged to identify a postsecondary education objective with which to guide the course selection. At a minimum, each student's plan should include a list of courses that will result in an Applied Technology Diploma, an Associate in Science degree, or an Associate in Arts degree. If the student identifies a baccalaureate degree as the objective, the plan must include courses that will meet the general education requirements and any prerequisite requirements for entrance into a selected baccalaureate degree program.

2. A delineation of the process by which students and their parents are informed about opportunities to participate in articulated acceleration programs.

3. A delineation of the process by which students and their parents exercise their option to participate in an articulated acceleration program.

4. A delineation of high school credits earned for completion of each dual enrollment course.

5. Provision for postsecondary courses that meet the criteria for inclusion in a district articulated acceleration program to be counted toward meeting the graduation requirements of s. 1003.43.

6. An identification of eligibility criteria for student participation in dual enrollment courses and programs.

7. A delineation of institutional responsibilities regarding student screening prior to enrollment and monitoring student performance subsequent to enrollment in dual enrollment courses and programs.

8. An identification of the criteria by which the quality of dual enrollment courses and programs are to be judged and a delineation of institutional responsibilities for the maintenance of instructional quality.

9. A delineation of institutional responsibilities for assuming the cost of dual enrollment courses and programs that includes such responsibilities for student instructional materials.

10. An identification of responsibility for providing student transportation if the dual enrollment instruction is conducted at a facility other than the high school campus.

11. A delineation of the process for converting college credit hours earned through dual enrollment and early admission programs to high school credit based on mastery of course outcomes as determined by the Department of Education in accordance with s. 1007.271(6).

12. *An identification of the responsibility of the postsecondary educational institution for assigning letter grades for dual enrollment courses and the responsibility of school districts for posting dual enrollment course grades to the high school transcript as assigned by the postsecondary institution awarding the credit.*

Section 18. Paragraphs (a) and (c) of subsection (3), subsections (4) and (5), paragraph (c) of subsection (6), and subsections (7), (8), (9), (10), and (11) of section 1008.22, Florida Statutes, are amended to read:

1008.22 Student assessment program for public schools.—

(3) STATEWIDE ASSESSMENT PROGRAM.—The commissioner shall design and implement a statewide program of educational assessment that provides information for the improvement of the operation and management of the public schools, including schools operating for the purpose of providing educational services to youth in Department of Juvenile Justice programs. The commissioner may enter into contracts for the continued administration of the assessment, testing, and evaluation programs authorized and funded by the Legislature. Contracts may

be initiated in 1 fiscal year and continue into the next and may be paid from the appropriations of either or both fiscal years. The commissioner is authorized to negotiate for the sale or lease of tests, scoring protocols, test scoring services, and related materials developed pursuant to law. Pursuant to the statewide assessment program, the commissioner shall:

(a) Submit *proposed Next Generation Sunshine State Standards* to the State Board of Education for adoption and periodic review and revision under s. 1003.41 a list that specifies student skills and competencies to which the goals for education specified in the state plan apply, including, but not limited to, reading, writing, science, and mathematics. The skills and competencies must include problem-solving and higher-order skills as appropriate and shall be known as the Sunshine State Standards as defined in s. 1000.21. The commissioner shall select such skills and competencies after receiving recommendations from educators, citizens, and members of the business community. The commissioner shall submit to the State Board of Education revisions to the list of student skills and competencies in order to maintain continuous progress toward improvements in student proficiency.

(c) Develop and implement a student achievement testing program known as the Florida Comprehensive Assessment Test (FCAT) as part of the statewide assessment program to measure reading, writing, science, and mathematics. Other content areas may be included as directed by the commissioner. The assessment of reading and mathematics shall be administered annually in grades 3 through 10. The assessment of writing and science shall be administered at least once at the elementary, middle, and high school levels. *End-of-course assessments may be administered in addition to the comprehensive assessments required under this paragraph. An end-of-course assessment must be rigorous, standardized, and approved by the department. The content knowledge and skills assessed by comprehensive and end-of-course assessments must be aligned to the core curricular content established in the Sunshine State Standards. The Commissioner of Education may select one or more nationally developed comprehensive examinations, which may include, but need not be limited to, examinations for a College Board Advanced Placement course, International Baccalaureate course, industry-approved examinations to earn national industry certifications as defined in s. 1003.492, or Advanced International Certificate of Education course, for use as end-of-course assessments under this paragraph, if the Commissioner determines that the content knowledge and skills assessed by the examinations meet or exceed the grade-level expectations of the Sunshine State Standards for the course. The commissioner may collaborate with the American Diploma Project in the adoption or development of rigorous end-of-course assessments that are aligned to state curriculum standards. The commissioner must document the procedures used to ensure that the versions of the FCAT which are taken by students retaking the grade 10 FCAT are equally as challenging and difficult as the tests taken by students in grade 10 which contain performance tasks.* The testing program must be designed as follows so that:

1. The tests *shall* measure student skills and competencies adopted by the State Board of Education as specified in paragraph (a). The tests must measure and report student proficiency levels of all students assessed in reading, writing, mathematics, and science. The commissioner shall provide for the tests to be developed or obtained, as appropriate, through contracts and project agreements with private vendors, public vendors, public agencies, postsecondary educational institutions, or school districts. The commissioner shall obtain input with respect to the design and implementation of the testing program from state educators, assistive technology experts, and the public.

2. The testing program *shall be composed will include a combination of norm-referenced and criterion-referenced tests that shall and include, to the extent determined by the commissioner, include test items questions that require the student to produce information or perform tasks in such a way that the core content knowledge and skills and competencies he or she uses can be measured.*

3. *Beginning with the 2008-2009 school year, the commissioner shall discontinue administration of the selected-response test items on the comprehensive assessments of writing. Beginning with the 2012-2013 school year, the comprehensive assessments of writing shall be composed of a combination of selected-response test items, short-response performance tasks, and extended-response performance tasks, which shall measure a student's content knowledge of writing, including, but not limited to, paragraph and sentence structure, sentence construction, grammar and usage, punctuation, capitalization, spelling, parts of speech, verb tense,*

*irregular verbs, subject-verb agreement, and noun-pronoun agreement. Each testing program, whether at the elementary, middle, or high school level, includes a test of writing in which students are required to produce writings that are then scored by appropriate and timely methods.*

4. A score *shall be is* designated for each subject area tested, below which score a student's performance is deemed inadequate. The school districts shall provide appropriate remedial instruction to students who score below these levels.

5. Except as provided in s. 1003.428(8)(b) or s. 1003.43(11)(b), students must earn a passing score on the grade 10 assessment test described in this paragraph or attain concordant scores as described in subsection (9) in reading, writing, and mathematics to qualify for a standard high school diploma. The State Board of Education shall designate a passing score for each part of the grade 10 assessment test. In establishing passing scores, the state board shall consider any possible negative impact of the test on minority students. The State Board of Education shall adopt rules which specify the passing scores for the grade 10 FCAT. Any such rules, which have the effect of raising the required passing scores, shall ~~only~~ apply *only* to students taking the grade 10 FCAT for the first time after such rules are adopted by the State Board of Education.

6. Participation in the testing program is mandatory for all students attending public school, including students served in Department of Juvenile Justice programs, except as otherwise prescribed by the commissioner. If a student does not participate in the statewide assessment, the district must notify the student's parent and provide the parent with information regarding the implications of such nonparticipation. A parent must provide signed consent for a student to receive classroom instructional accommodations that would not be available or permitted on the statewide assessments and must acknowledge in writing that he or she understands the implications of such instructional accommodations. The State Board of Education shall adopt rules, based upon recommendations of the commissioner, for the provision of test accommodations for students in exceptional education programs and for students who have limited English proficiency. Accommodations that negate the validity of a statewide assessment are not allowable in the administration of the FCAT. However, instructional accommodations are allowable in the classroom if included in a student's individual education plan. Students using instructional accommodations in the classroom that are not allowable as accommodations on the FCAT may have the FCAT requirement waived pursuant to the requirements of s. 1003.428(8)(b) or s. 1003.43(11)(b).

7. A student seeking an adult high school diploma must meet the same testing requirements that a regular high school student must meet.

8. District school boards must provide instruction to prepare students to demonstrate proficiency in the skills and competencies necessary for successful grade-to-grade progression and high school graduation. If a student is provided with instructional accommodations in the classroom that are not allowable as accommodations in the statewide assessment program, as described in the test manuals, the district must inform the parent in writing and must provide the parent with information regarding the impact on the student's ability to meet expected proficiency levels in reading, writing, and math. The commissioner shall conduct studies as necessary to verify that the required skills and competencies are part of the district instructional programs.

9. District school boards must provide opportunities for students to demonstrate an acceptable level of performance on an alternative standardized assessment approved by the State Board of Education following enrollment in summer academies.

10. The Department of Education must develop, or select, and implement a common battery of assessment tools that will be used in all juvenile justice programs in the state. These tools must accurately measure the skills and competencies established in the Sunshine State Standards.

11. For students seeking a special diploma pursuant to s. 1003.438, the Department of Education must develop or select and implement an alternate assessment tool that accurately measures the skills and competencies established in the Sunshine State Standards for students with disabilities under s. 1003.438.

12. *The Commissioner of Education shall establish schedules for the administration of statewide assessments and the reporting of student test results. The commissioner shall, by August 1 of each year, notify each school district in writing and publish on the department's Internet website the testing and reporting schedules for, at a minimum, the school year following the upcoming school year. The testing and reporting schedules shall require that:*

*a. There is the latest possible administration of statewide assessments and the earliest possible reporting to the school districts of student test results which is feasible within available technology and specific appropriations; however, test results must be made available no later than the final day of the regular school year for students.*

*b. Beginning with the 2010-2011 school year, a comprehensive statewide assessment of writing is not administered earlier than the week of March 1 and a comprehensive statewide assessment of any other subject is not administered earlier than the week of April 15.*

*c. The department-approved, end-of-course assessment is administered within the last 2 weeks of the course.*

The commissioner may, based on collaboration and input from school districts, design and implement student testing programs, for any grade level and subject area, necessary to effectively monitor educational achievement in the state, including the measurement of educational achievement of the Sunshine State Standards for students with disabilities. Development and refinement of assessments shall include universal design principles and accessibility standards that will prevent any unintended obstacles for students with disabilities while ensuring the validity and reliability of the test. These principles should be applicable to all technology platforms and assistive devices available for the assessments. The field testing process and psychometric analyses for the statewide assessment program must include an appropriate percentage of students with disabilities and an evaluation or determination of the effect of test items on such students.

(4) *STATEWIDE ASSESSMENT PREPARATION; PROHIBITED ACTIVITIES.—Beginning with the 2008-2009 school year, a district school board shall prohibit each public school from suspending a regular program of curricula for purposes of administering practice tests or engaging in other test-preparation activities for a statewide assessment. However, a district school board may authorize a public school to engage in the following test-preparation activities for a statewide assessment:*

*(a) Distributing to students the sample test books and answer keys published by the Department of Education;*

*(b) Providing individualized instruction in test-taking strategies, without suspending the school's regular program of curricula, for a student who scores at Level 1 or Level 2 on a prior administration of the statewide assessment;*

*(c) Providing individualized instruction in the content knowledge and skills assessed, without suspending the school's regular program of curricula, for a student who scores at Level 1 or Level 2 on a prior administration of the statewide assessment, or a student who, through a diagnostic assessment administered by the school district, is identified as having a deficiency in the content knowledge and skills assessed;*

*(d) Incorporating test-taking exercises and strategies into curricula for intensive reading and mathematics intervention courses; and*

*(e) Administering a practice test or engaging in other test-preparation activities for the statewide assessment which are determined necessary to familiarize students with the organization of the assessment, the format of the test items, and the test directions, or which are otherwise necessary for the valid and reliable administration of the assessment, as set forth in rules adopted by the State Board of Education with specific reference to this paragraph.*

(5)(4) *DISTRICT TESTING PROGRAMS.—Each district school board shall periodically assess student performance and achievement within each school of the district. The assessment programs must be based upon local goals and objectives that are compatible with the state plan for education and that supplement the skills and competencies adopted by the State Board of Education. All school districts must participate in the statewide assessment program designed to measure annual student learning and school performance. All district school boards shall*

report assessment results as required by the state management information system.

(6)(5) *SCHOOL TESTING PROGRAMS.—Each public school shall participate in the statewide assessment program, unless specifically exempted by state board rule based on serving a specialized population for which standardized testing is not appropriate. Student performance data shall be analyzed and reported to parents, the community, and the state. Student performance data shall be used in developing objectives of the school improvement plan, evaluation of instructional personnel, evaluation of administrative personnel, assignment of staff, allocation of resources, acquisition of instructional materials and technology, performance-based budgeting, and promotion and assignment of students into educational programs. The analysis of student performance data also must identify strengths and needs in the educational program and trends over time. The analysis must be used in conjunction with the budgetary planning processes developed pursuant to s. 1008.385 and the development of the programs of remediation.*

(7)(6) *REQUIRED ANALYSES.—The commissioner shall provide, at a minimum, for the following analyses of data produced by the student achievement testing program:*

*(c) The annual testing program shall be administered to provide for valid statewide comparisons of learning gains to be made for purposes of accountability and recognition. ~~The commissioner shall establish a schedule for the administration of the statewide assessments. In establishing such schedule, the commissioner is charged with the duty to accomplish the latest possible administration of the statewide assessments and the earliest possible provision of the results to the school districts feasible within available technology and specific appropriation.~~ District school boards shall not establish school calendars that jeopardize or limit the valid testing and comparison of student learning gains.*

(8)(7) *LOCAL ASSESSMENTS.—Measurement of the learning gains of students in all subjects and grade levels other than subjects and grade levels required for the state student achievement testing program is the responsibility of the school districts.*

(9)(8) *APPLICABILITY OF TESTING STANDARDS.—*

*(a) If the Commissioner of Education revises a statewide assessment and the revisions require the State Board of Education to modify the assessment's proficiency levels or modify the passing scores required for a standard high school diploma, until the state board adopts the modifications by rule the commissioner shall use calculations for scoring the assessment which adjust student scores on the revised assessment for statistical equivalence to student scores on the former assessment.*

*(b) A student must ~~attain~~ meet the passing scores on the statewide assessment required testing requirements for a standard high school diploma which are graduation that were in effect at the time the student enters ~~entered~~ 9th grade 9 if, ~~provided~~ the student's enrollment is ~~was~~ continuous.*

*(c) If the commissioner revises a statewide assessment and the revisions require the State Board of Education to modify the passing scores required for a standard high school diploma, the commissioner may, with approval of the state board, discontinue administration of the former assessment upon the graduation, based on normal student progression, of students participating in the final regular administration of the former assessment. The state board shall adopt by rule passing scores for the revised assessment which are statistically equivalent to passing scores on the discontinued assessment for a student required under paragraph (b) to attain passing scores on the discontinued assessment.*

(10)(9) *CONCORDANT SCORES FOR THE FCAT.—*

*(a) The State Board of Education shall analyze the content and concordant data sets for widely used high school achievement tests, including, but not limited to, the PSAT, PLAN, SAT, ACT, and College Placement Test, to assess if concordant scores for FCAT scores can be determined for high school graduation, college placement, and scholarship awards. In cases where content alignment and concordant scores can be determined, the Commissioner of Education shall adopt those scores as meeting the graduation requirement in lieu of achieving the FCAT passing score and may adopt those scores as being sufficient to achieve additional purposes as determined by rule. Each time that test content or scoring procedures ~~change~~ are ~~changed~~ for the FCAT or for a high*

school achievement test for which a concordant score is determined ~~one of the identified tests~~, new concordant scores must be determined.

(b) In order to use a concordant subject area score pursuant to this subsection to satisfy the assessment requirement for a standard high school diploma as provided in s. 1003.429(6)(a), s. 1003.43(5)(a), or s. 1003.428, a student must take each subject area of the grade 10 FCAT a total of three times without earning a passing score. The requirements of this paragraph shall not apply to a new student who enters the Florida public school system in grade 12, who may either achieve a passing score on the FCAT or use an approved subject area concordant score to fulfill the graduation requirement.

(c) The State Board of Education may define by rule the allowable uses, other than to satisfy the high school graduation requirement, for concordant scores as described in this subsection. Such uses may include, but need not be limited to, achieving appropriate standardized test scores required for the awarding of Florida Bright Futures Scholarships and college placement.

(11)(10) **REPORTS.**—The Department of Education shall annually provide a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives on the following:

(a) Longitudinal performance of students in mathematics and reading.

(b) Longitudinal performance of students by grade level in mathematics and reading.

(c) Longitudinal performance regarding efforts to close the achievement gap.

~~(d) Longitudinal performance of students on the norm-referenced component of the FCAT.~~

~~(d)(e)~~ Other student performance data based on national norm-referenced and criterion-referenced tests, when available, and numbers of students who after 8th grade enroll in adult education rather than other secondary education.

(12)(11) **RULES.**—The State Board of Education shall adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this section.

Section 19. Subsection (3) of section 1008.30, Florida Statutes, is amended to read:

1008.30 Common placement testing for public postsecondary education.—

(3) The State Board of Education shall adopt rules that would require high schools to give the common placement test prescribed in this section, or an equivalent test identified by the State Board of Education, at the beginning of the tenth grade year before enrollment in the eleventh grade year in public high school for the purpose of obtaining remedial instruction prior to entering public postsecondary education. *The Department of Education shall purchase or develop assessments to evaluate the college readiness of eleventh grade students who may be at risk of needing remediation in reading or mathematics prior to enrollment in postsecondary institutions. The department shall work with school districts to administer the assessments during the 2008-2009 school year. To the maximum extent practicable, a school district shall provide twelfth grade students who need remediation and who indicate an interest in postsecondary education with access to appropriate remediation courses to mitigate remediation at the postsecondary level.*

Section 20. Paragraph (c) of subsection (1) of section 1008.31, Florida Statutes, is amended to read:

1008.31 Florida's K-20 education performance accountability system; legislative intent; mission, goals, and systemwide measures; data quality improvements.—

(1) **LEGISLATIVE INTENT.**—It is the intent of the Legislature that:

(c) The K-20 education performance accountability system comply with the ~~accountability~~ requirements of the “No Child Left Behind Act

of 2001,” Pub. L. No. 107-110, and the *Individuals with Disabilities Education Act (IDEA)*.

Section 21. Subsection (3) of section 1008.34, Florida Statutes, is amended, and subsection (8) is added to that section, to read:

1008.34 School grading system; school report cards; district grade.—

(3) **DESIGNATION OF SCHOOL GRADES.**—

(a) *Schools receiving a school grade.*—Each school that has students who are tested and included in the school grading system, ~~except an alternative school that receives a school improvement rating pursuant to s. 1008.341~~, shall receive a school grade, *except as follows:*

1. *A school shall not receive a school grade if the number of its students tested and included in the school grading system are fewer than the minimum sample size necessary, based on accepted professional practice, for statistical reliability and prevention of the unlawful release of personally identifiable student data under s. 1002.22 or 20 U.S.C. s. 1232g; however,*

2. *An alternative school may choose to receive a school grade under this section or in lieu of a school improvement rating under s. 1008.341.*

3. ~~Additionally,~~ A school that serves any combination of students in kindergarten through grade 3 which does not receive a school grade because its students are not tested and included in the school grading system shall receive the school grade designation of a K-3 feeder pattern school identified by the Department of Education and verified by the school district. A school feeder pattern exists if at least 60 percent of the students in the school serving a combination of students in kindergarten through grade 3 are scheduled to be assigned to the graded school. ~~School grades itemized in subsection (2) shall be based on the following:~~

~~(b)(a)~~ **Criteria.**—A school's grade shall be based on a combination of:

1. Student achievement scores, including achievement scores for students seeking a special diploma.

2. Student learning gains as measured by annual FCAT assessments in grades 3 through 10; learning gains for students seeking a special diploma, as measured by an alternate assessment tool, shall be included not later than the 2009-2010 school year.

3. Improvement of the lowest 25th percentile of students in the school in reading, math, or writing on the FCAT, unless these students are exhibiting satisfactory performance.

~~(c)(b)~~ **Student assessment data.**—Student assessment data used in determining school grades shall include:

1. The aggregate scores of all eligible students enrolled in the school who have been assessed on the FCAT.

2. The aggregate scores of all eligible students enrolled in the school who have been assessed on the FCAT, ~~including Florida Writes~~, and who have scored at or in the lowest 25th percentile of students in the school in reading, math, or writing, unless these students are exhibiting satisfactory performance.

3. Effective with the 2005-2006 school year, the achievement scores and learning gains of eligible students attending alternative schools that provide dropout prevention and academic intervention services pursuant to s. 1003.53. The term “eligible students” in this subparagraph does not include students attending an alternative school who are subject to district school board policies for expulsion for repeated or serious offenses, who are in dropout retrieval programs serving students who have officially been designated as dropouts, or who are in programs operated or contracted by the Department of Juvenile Justice. The student performance data for eligible students identified in this subparagraph shall be included in the calculation of the home school's grade. *As used in For purposes of this section and s. 1008.341, the term “home school” means the school to which the student would be assigned if the student were not was attending when assigned to an alternative school.* If an alternative school chooses to be graded ~~under pursuant to~~ this section, student performance data for eligible students identified in this subparagraph shall not be included in the home school's grade but shall be included only in the calculation of the alternative school's grade. *A school district*

that fails to assign the FCAT scores of all students back to their home school or to the alternative school that receives a grade shall forfeit school recognition funds for 1 fiscal year. School districts must require collaboration between the home school and the alternative school in order to promote student success. *This collaboration must include an annual discussion between the principal of the alternative school and the principal of each student's home school concerning the most appropriate school assignment of the student.*

The State Board of Education shall adopt appropriate criteria for each school grade. The criteria must also give added weight to student achievement in reading. Schools designated with a grade of "C," making satisfactory progress, shall be required to demonstrate that adequate progress has been made by students in the school who are in the lowest 25th percentile in reading, math, or writing on the FCAT, including Florida Writes, unless these students are exhibiting satisfactory performance.

(8) *RULES.—The State Board of Education shall adopt rules under ss. 120.536(1) and 120.54 to administer this section.*

Section 22. Subsections (2) and (3) of section 1008.341, Florida Statutes, are amended, and subsection (6) is added to that section, to read:

1008.341 School improvement rating for alternative schools.—

(2) *SCHOOL IMPROVEMENT RATING.—An alternative school schools that provides provide dropout prevention and academic intervention services pursuant to s. 1003.53 shall receive a school improvement rating pursuant to this section. However, an alternative school shall not receive a school improvement rating if the number of its students for whom student performance data is available for the current year and previous year are fewer than the minimum sample size necessary, based on acceptable professional practice, for statistical reliability and prevention of the unlawful release of personally identifiable student data under s. 1002.22 or 20 U.S.C. s. 1232g. The school improvement rating shall identify an alternative school schools as having one of the following ratings defined according to rules of the State Board of Education:*

(a) "Improving" means *the schools with* students attending the school are making more academic progress than when the students were served in their home schools.

(b) "Maintaining" means *the schools with* students attending the school are making progress equivalent to the progress made when the students were served in their home schools.

(c) "Declining" means *the schools with* students attending the school are making less academic progress than when the students were served in their home schools.

The school improvement rating shall be based on a comparison of student performance data for the current year and previous year. Schools that improve at least one level or maintain an "improving" rating pursuant to this section are eligible for school recognition awards pursuant to s. 1008.36.

(3) *DESIGNATION OF SCHOOL IMPROVEMENT RATING.—Student data used in determining an alternative school's school improvement rating shall include:*

(a) The aggregate scores of all eligible students who were assigned to and enrolled in the school during the October or February FTE count, who have been assessed on the FCAT, and who have FCAT or comparable scores for the preceding school year.

(b) The aggregate scores of all eligible students who were assigned to and enrolled in the school during the October or February FTE count, who have been assessed on the FCAT, ~~including Florida Writes~~, and who have scored in the lowest 25th percentile of students in the state on FCAT Reading.

The assessment scores of students who are subject to district school board policies for expulsion for repeated or serious offenses, who are in dropout retrieval programs serving students who have officially been designated as dropouts, or who are in programs operated or contracted by the Department of Juvenile Justice may not be included in an alternative school's school improvement rating.

(6) *RULES.—The State Board of Education shall adopt rules under ss. 120.536(1) and 120.54 to administer this section.*

Section 23. Subsection (2) of section 1008.36, Florida Statutes, is amended to read:

1008.36 Florida School Recognition Program.—

(2) The Florida School Recognition Program is created to provide financial awards to public schools that:

(a) Sustain high performance by receiving a school grade of "A," making excellent progress; or

(b) Demonstrate exemplary improvement due to innovation and effort by improving *at least one* a letter grade *or by improving more than one letter grade and sustaining the improvement the following school year.*

Notwithstanding statutory provisions to the contrary, incentive awards are not subject to collective bargaining.

Section 24. Present subsections (4) through (16) of section 1012.56, Florida Statutes, are renumbered as subsections (5) through (17), respectively, and a new subsection (4) is added to that section, to read:

1012.56 Educator certification requirements.—

(4) *ALIGNMENT OF SUBJECT AREAS.—As the Sunshine State Standards are replaced by the Next Generation Sunshine State Standards under s.1001.03, the State Board of Education shall align the subject area examinations to the Next Generation Sunshine State Standards.*

Section 25. Subsection (1) of section 1012.57, Florida Statutes, is amended to read:

1012.57 Certification of adjunct educators.—

(1) Notwithstanding the provisions of ss. 1012.32, 1012.55, and 1012.56, or any other provision of law or rule to the contrary, district school boards shall adopt rules to allow for the issuance of an adjunct teaching certificate to any applicant who fulfills the requirements of s. 1012.56(2)(a)-(f) and (10) ~~(9)~~ and who has expertise in the subject area to be taught. An applicant shall be considered to have expertise in the subject area to be taught if the applicant demonstrates sufficient subject area mastery through passage of a subject area test. The adjunct teaching certificate shall be used for part-time teaching positions. The intent of this provision is to allow school districts to tap the wealth of talent and expertise represented in Florida's citizens who may wish to teach part-time in a Florida public school by permitting school districts to issue adjunct certificates to qualified applicants. Adjunct certificateholders should be used as a strategy to reduce the teacher shortage; thus, adjunct certificateholders should supplement a school's instructional staff, not supplant it. Each school principal shall assign an experienced peer mentor to assist the adjunct teaching certificateholder during the certificateholder's first year of teaching, and an adjunct certificateholder may participate in a district's new teacher training program. District school boards shall provide the adjunct teaching certificateholder an orientation in classroom management prior to assigning the certificateholder to a school. Each adjunct teaching certificate is valid for 5 school years and is renewable if the applicant has received satisfactory performance evaluations during each year of teaching under adjunct teaching certification.

Section 26. Subsection (1) of section 1012.586, Florida Statutes, is amended to read:

1012.586 Additions or changes to certificates; duplicate certificates.—A school district may process via a Department of Education website certificates for the following applications of public school employees:

(1) Addition of a subject coverage or endorsement to a valid Florida certificate on the basis of the completion of the appropriate subject area testing requirements of s. 1012.56(5)(a) ~~s. 1012.56(4)(a)~~ or the completion of the requirements of an approved school district program or the inservice components for an endorsement.

The employing school district shall charge the employee a fee not to exceed the amount charged by the Department of Education for such services. Each district school board shall retain a portion of the fee as defined in the rules of the State Board of Education. The portion sent to the department shall be used for maintenance of the technology system, the web application, and posting and mailing of the certificate.

Section 27. Effective upon this act becoming a law, section 1012.71, Florida Statutes, is amended to read:

*(Substantial rewording of section. See s. 1012.71, F.S., for present text.)*

**1012.71 The Florida Teachers Lead Program.—**

(1) For purposes of the Florida Teachers Lead Program, the term “classroom teacher” means a certified teacher employed by a public school district or a public charter school in that district on or before September 1 of each year whose full-time or job-share responsibility is the classroom instruction of students in prekindergarten through grade 12, including full-time media specialists and guidance counselors serving students in prekindergarten through grade 12, who are funded through the Florida Education Finance Program. A “job-share classroom teacher” is one of two teachers whose combined full-time equivalent employment for the same teaching assignment equals one full-time classroom teacher.

(2) The Legislature, in the General Appropriations Act, shall determine funding for the Florida Teachers Lead Program. The funds appropriated are for classroom teachers to purchase, on behalf of the school district or charter school, classroom materials and supplies for the public school students assigned to them and may not be used to purchase equipment. The funds appropriated shall be used to supplement the materials and supplies otherwise available to classroom teachers. From the funds appropriated for the Florida Teachers Lead Program, the Commissioner of Education shall calculate an amount for each school district based upon each school district’s proportionate share of the state’s total unweighted FTE student enrollment and shall disburse the funds to the school districts by July 15.

(3) From the funds allocated to each school district for the Florida Teachers Lead Program, the district school board shall calculate an identical amount for each classroom teacher, which is that teacher’s proportionate share of the total amount allocated to the district. A job-share classroom teacher may receive a prorated share of the amount provided to a full-time classroom teacher. The district school board and each charter school board shall provide each classroom teacher with his or her total proportionate share by September 30 of each year by any means determined appropriate by the district school board or charter school board, including, but not limited to, direct deposit, check, debit card, or purchasing card, notwithstanding any law to the contrary. Expenditures under the program are not subject to state or local competitive bidding requirements. Funds received by a classroom teacher do not affect wages, hours, or terms and conditions of employment and, therefore, are not subject to collective bargaining. Any classroom teacher may decline receipt of or return the funds without explanation or cause. This subsection applies retroactively to July 1, 2007.

(4) Each classroom teacher must sign a statement acknowledging receipt of the funds, keep receipts for no less than 4 years to show that funds expended meet the requirements of this section, and return any unused funds to the district school board at the end of the regular school year. Any unused funds that are returned to the district school board shall be deposited into the school advisory council account of the school at which the classroom teacher returning the funds was employed when that teacher received the funds or shall be deposited into the Florida Teachers Lead Program account of the school district in which a charter school is sponsored, as applicable.

(5) The statement must be signed and dated by each classroom teacher before receipt of the Florida Teachers Lead Program funds and shall include the wording: “I, (name of teacher) , am employed by the County District School Board or by the Charter School as a full-time classroom teacher. I acknowledge that Florida Teachers Lead Program funds are appropriated by the Legislature for the sole purpose of purchasing classroom materials and supplies to be used in the instruction of students assigned to me. In accepting custody of these funds, I agree to keep the receipts for all expenditures for no less than 4 years. I understand that if I do not keep the receipts, it will be my personal responsibility to pay any federal taxes due on these funds. I also agree to return any unexpended funds to the district school board at the end of the regular school year for deposit into the school advisory council account of the school where I was employed at the time I received the funds or for deposit into the Florida Teachers Lead Program account of the school district in which the charter school is sponsored, as applicable.”

Section 28. Present paragraphs (b) and (c) of subsection (2) of section 1013.12, Florida Statutes, are redesignated as paragraphs (c) and (d),

respectively, and a new paragraph (b) is added to that subsection, to read:

1013.12 Casualty, safety, sanitation, and firesafety standards and inspection of property.—

**(2) PERIODIC INSPECTION OF PROPERTY BY DISTRICT SCHOOL BOARDS.—**

(b) Each school cafeteria must post in a visible location and on the school website the school’s semiannual sanitation certificate and a copy of its most recent sanitation inspection report.

Section 29. Except as otherwise expressly provided in this act and except for this section, which shall take effect upon becoming a law, this act shall take effect July 1, 2008.

And the title is amended as follows:

Delete everything before the enacting clause and insert: 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. 1001.41, F.S.; revising the general powers of district school boards; 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. 1004.91, F.S.; expanding the list of students who are exempt from basic skill mastery for certificate career education programs; 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. 1008.30, F.S.; requiring the Department of Education to purchase or develop assessments to evaluate the college readiness of certain students before enrollment in a postsecondary institution; requiring a school district to provide certain students access to appropriate remediation courses; 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. 1008.36, F.S.; revising provisions relating to the Florida School Recognition Program; 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 an effective date.

Senator Gaetz moved the following amendments to **Amendment 1** which were adopted:

**Amendment 1A (207736)(with title amendment)**—Between line(s) 5 and 6 insert:

Section 1. Paragraph (e) of subsection (7) and subsection (8) of section 11.45, Florida Statutes, are amended to read:

11.45 Definitions; duties; authorities; reports; rules.—

(7) AUDITOR GENERAL REPORTING REQUIREMENTS.—

(e) The Auditor General shall notify the Governor or the Commissioner of Education, as appropriate, and the Legislative Auditing Committee of any audit report reviewed by the Auditor General pursuant to paragraph (b) which contains a statement that a local governmental entity, charter school, *charter technical career center*, or district school board has met one or more of the conditions specified in s. 218.503. If the Auditor General requests a clarification regarding information included in an audit report to determine whether a local governmental entity, charter school, *charter technical career center*, or district school board has met one or more of the conditions specified in s. 218.503, the requested clarification must be provided within 45 days after the date of the request. If the local governmental entity, charter school, *charter technical career center*, or district school board does not comply with the Auditor General's request, the Auditor General shall notify the Legislative Auditing Committee. If, after obtaining the requested clarification, the Auditor General determines that the local governmental entity, charter school, *charter technical career center*, or district school board has met one or more of the conditions specified in s. 218.503, he or she shall notify the Governor or the Commissioner of Education, as appropriate, and the Legislative Auditing Committee.

(8) RULES OF THE AUDITOR GENERAL.—The Auditor General, in consultation with the Board of Accountancy, shall adopt rules for the

form and conduct of all financial audits performed by independent certified public accountants pursuant to ss. 215.981, 218.39, 1001.453, 1004.28, and 1004.70. The rules for audits of local governmental entities, charter schools, *charter school technical career centers*, and district school boards must include, but are not limited to, requirements for the reporting of information necessary to carry out the purposes of the Local Governmental Entity, Charter School, *Charter Technical Career Center*, and District School Board Financial Emergencies Act as stated in s. 218.501.

Section 2. Section 218.50, Florida Statutes, is amended to read:

218.50 Short title.—Sections 218.50-218.504 may be cited as the "Local Governmental Entity, Charter School, *Charter Technical Career Center*, and District School Board Financial Emergencies Act."

Section 3. Section 218.501, Florida Statutes, is amended to read:

218.501 Purposes.—The purposes of ss. 218.50-218.504 are:

(1) To promote the fiscal responsibility of local governmental entities, charter schools, *charter technical career centers*, and district school boards.

(2) To assist local governmental entities, charter schools, *charter technical career centers*, and district school boards in providing essential services without interruption and in meeting their financial obligations.

(3) To assist local governmental entities, charter schools, *charter technical career centers*, and district school boards through the improvement of local financial management procedures.

Section 4. Subsections (1), (2), and (4) of section 218.503, Florida Statutes, are amended to read:

218.503 Determination of financial emergency.—

(1) Local governmental entities, charter schools, *charter technical career centers*, and district school boards shall be subject to review and oversight by the Governor, *the charter school sponsor, the charter technical career center sponsor*, or the Commissioner of Education, as appropriate, when any one of the following conditions occurs:

(a) Failure within the same fiscal year in which due to pay short-term loans or failure to make bond debt service or other long-term debt payments when due, as a result of a lack of funds.

(b) Failure to pay uncontested claims from creditors within 90 days after the claim is presented, as a result of a lack of funds.

(c) Failure to transfer at the appropriate time, due to lack of funds:

1. Taxes withheld on the income of employees; or

2. Employer and employee contributions for:

a. Federal social security; or

b. Any pension, retirement, or benefit plan of an employee.

(d) Failure for one pay period to pay, due to lack of funds:

1. Wages and salaries owed to employees; or

2. Retirement benefits owed to former employees.

(e) An unreserved or total fund balance or retained earnings deficit, or unrestricted or total net assets deficit, as reported on the balance sheet or statement of net assets on the general purpose or fund financial statements, for which sufficient resources of the local governmental entity, as reported on the balance sheet or statement of net assets on the general purpose or fund financial statements, are not available to cover the deficit. Resources available to cover reported deficits include net assets that are not otherwise restricted by federal, state, or local laws, bond covenants, contractual agreements, or other legal constraints. Fixed or capital assets, the disposal of which would impair the ability of a local governmental entity to carry out its functions, are not considered resources available to cover reported deficits.

(2) A local governmental entity shall notify the Governor and the Legislative Auditing Committee, a charter school shall notify the charter

school sponsor and the Legislative Auditing Committee, a *charter technical career center shall notify the charter technical career center sponsor and the Legislative Auditing Committee*, and a district school board shall notify the Commissioner of Education and the Legislative Auditing Committee, when one or more of the conditions specified in subsection (1) have occurred or will occur if action is not taken to assist the local governmental entity, charter school, *charter school technical career center*, or district school board. In addition, any state agency must, within 30 days after a determination that one or more of the conditions specified in subsection (1) have occurred or will occur if action is not taken to assist the local governmental entity, charter school, *charter school technical career center*, or district school board, notify the Governor, charter school sponsor, *charter school technical career center sponsor*, or the Commissioner of Education, as appropriate, and the Legislative Auditing Committee.

(4)(a) Upon notification that one or more of the conditions in subsection (1) exist, the charter school sponsor or the sponsor's designee *and the Commissioner of Education* shall contact the charter school governing body to determine what actions have been taken by the charter school governing body to resolve the condition. The *Commissioner of Education* ~~charter school sponsor~~ has the authority to require and approve a financial recovery plan, to be prepared by the charter school governing body, prescribing actions that will cause the charter school to no longer be subject to this section. ~~The Department of Education shall establish guidelines for developing such plans.~~

(b) Upon notification that one or more of the conditions in subsection (1) exist, the charter technical career center sponsor or the sponsor's designee *and the Commissioner of Education* shall contact the charter technical career center governing body to determine what actions have been taken by the charter technical career center governing body to resolve the condition. The *Commissioner of Education* may require and approve a financial recovery plan, to be prepared by the charter technical career center governing body, prescribing actions that will cause the charter technical career center to no longer be subject to this section.

(c) *The Commissioner of Education shall determine if the charter school or charter technical career center needs a financial recovery plan to resolve the condition. If the Commissioner of Education determines that a financial recovery plan is needed, the charter school or charter technical career center is considered to be in a state of financial emergency.*

*The Department of Education, with the involvement of sponsors, charter schools, and charter technical career centers, shall establish guidelines for developing such plans.*

Section 5. Section 218.504, Florida Statutes, is amended to read:

218.504 Cessation of state action.—The Governor or the Commissioner of Education, as appropriate, has the authority to terminate all state actions pursuant to ss. 218.50-218.504. Cessation of state action must not occur until the Governor or the Commissioner of Education, as appropriate, has determined that:

(1) The local governmental entity, charter school, *charter technical career center*, or district school board:

(a) Has established and is operating an effective financial accounting and reporting system.

(b) Has resolved the conditions outlined in s. 218.503(1).

(2) None of the conditions outlined in s. 218.503(1) exists.

Section 6. Paragraph (b) of subsection (5), paragraphs (a), (b), and (g) of subsection (6), paragraph (a) of subsection (7), paragraph (d) of subsection (8), paragraphs (g) through (q) of subsection (9), paragraph (a) of subsection (10), and subsections (17), (21), and (23) of section 1002.33, Florida Statutes, are amended, present subsection (24) of that section is redesignated as subsection (26), and a new subsection (24) and subsection (25) are added to that section, to read:

1002.33 Charter schools.—

(5) SPONSOR; DUTIES.—

(b) Sponsor duties.—

1.a. The sponsor shall monitor and review the charter school in its progress toward the goals established in the charter.

b. The sponsor shall monitor the revenues and expenditures of the charter school *and perform the duties provided for in s. 1002.345*.

c. The sponsor may approve a charter for a charter school before the applicant has secured space, equipment, or personnel, if the applicant indicates approval is necessary for it to raise working funds.

d. The sponsor's policies shall not apply to a charter school unless mutually agreed to by both the sponsor and the charter school.

e. The sponsor shall ensure that the charter is innovative and consistent with the state education goals established by s. 1000.03(5).

f. The sponsor shall ensure that the charter school participates in the state's education accountability system. If a charter school falls short of performance measures included in the approved charter, the sponsor shall report such shortcomings to the Department of Education.

g. The sponsor shall not be liable for civil damages under state law for personal injury, property damage, or death resulting from an act or omission of an officer, employee, agent, or governing body of the charter school.

h. The sponsor shall not be liable for civil damages under state law for any employment actions taken by an officer, employee, agent, or governing body of the charter school.

i. The sponsor's duties to monitor the charter school shall not constitute the basis for a private cause of action.

j. The sponsor shall not impose additional reporting requirements on a charter school without providing reasonable and specific justification in writing to the charter school.

2. Immunity for the sponsor of a charter school under subparagraph 1. applies only with respect to acts or omissions not under the sponsor's direct authority as described in this section.

3. Nothing contained in this paragraph shall be considered a waiver of sovereign immunity by a district school board.

4. A community college may work with the school district or school districts in its designated service area to develop charter schools that offer secondary education. These charter schools must include an option for students to receive an associate degree upon high school graduation. District school boards shall cooperate with and assist the community college on the charter application. Community college applications for charter schools are not subject to the time deadlines outlined in subsection (6) and may be approved by the district school board at any time during the year. Community colleges shall not report FTE for any students who receive FTE funding through the Florida Education Finance Program.

(6) APPLICATION PROCESS AND REVIEW.—Charter school applications are subject to the following requirements:

(a) A person or entity wishing to open a charter school shall prepare and submit an application on a *model application form prepared by the Department of Education, in conjunction with the Florida Schools of Excellence Commission, which that*:

1. Demonstrates how the school will use the guiding principles and meet the statutorily defined purpose of a charter school.

2. Provides a detailed curriculum plan that illustrates how students will be provided services to attain the Sunshine State Standards.

3. Contains goals and objectives for improving student learning and measuring that improvement. These goals and objectives must indicate how much academic improvement students are expected to show each year, how success will be evaluated, and the specific results to be attained through instruction.

4. Describes the reading curriculum and differentiated strategies that will be used for students reading at grade level or higher and a separate curriculum and strategies for students who are reading below grade level. A sponsor shall deny a charter if the school does not propose

a reading curriculum that is consistent with effective teaching strategies that are grounded in scientifically based reading research.

5. Contains an annual financial plan for each year requested by the charter for operation of the school for up to 5 years. This plan must contain anticipated fund balances based on revenue projections, a spending plan based on projected revenues and expenses, and a description of controls that will safeguard finances and projected enrollment trends.

6. Documents that the applicant has participated in the training required in subparagraph (g)2. A sponsor may require an applicant to provide additional information as an addendum to the charter school application as described in this paragraph.

(b) A sponsor shall receive and review all applications for a charter school using an evaluation instrument developed by the Department of Education. A sponsor may require an applicant to provide additional information as an addendum to this evaluation instrument. Beginning with the 2007-2008 school year, a sponsor shall receive and consider charter school applications received on or before August 1 of each calendar year for charter schools to be opened at the beginning of the school district's next school year, or to be opened at a time agreed to by the applicant and the sponsor. A sponsor may receive applications later than this date if it chooses. A sponsor may not charge an applicant for a charter any fee for the processing or consideration of an application, and a sponsor may not base its consideration or approval of an application upon the promise of future payment of any kind.

1. In order to facilitate an accurate budget projection process, a sponsor shall be held harmless for FTE students who are not included in the FTE projection due to approval of charter school applications after the FTE projection deadline. In a further effort to facilitate an accurate budget projection, within 15 calendar days after receipt of a charter school application, a sponsor shall report to the Department of Education the name of the applicant entity, the proposed charter school location, and its projected FTE.

2. In order to ensure fiscal responsibility, an application for a charter school shall include a full accounting of expected assets, a projection of expected sources and amounts of income, including income derived from projected student enrollments and from community support, and an expense projection that includes full accounting of the costs of operation, including start-up costs.

3. A sponsor shall by a majority vote approve or deny an application no later than 60 calendar days after the application is received, unless the sponsor and the applicant mutually agree in writing to temporarily postpone the vote to a specific date, at which time the sponsor shall by a majority vote approve or deny the application. If the sponsor fails to act on the application, an applicant may appeal to the State Board of Education as provided in paragraph (c). If an application is denied, the sponsor shall, within 10 calendar days, articulate in writing the specific reasons, based upon good cause, supporting its denial of the charter application and shall provide the letter of denial and supporting documentation to the applicant and to the Department of Education supporting those reasons.

4. For budget projection purposes, the sponsor shall report to the Department of Education the approval or denial of a charter application within 10 calendar days after such approval or denial. In the event of approval, the report to the Department of Education shall include the final projected FTE for the approved charter school.

5. Upon approval of a charter application, the initial startup shall commence with the beginning of the public school calendar for the district in which the charter is granted unless the sponsor allows a waiver of this provision for good cause.

(g)1. The Department of Education shall offer or arrange for training and technical assistance to charter school applicants in developing business plans and estimating costs and income. This assistance shall address estimating startup costs, projecting enrollment, and identifying the types and amounts of state and federal financial assistance the charter school will be eligible to receive. The department may provide other technical assistance to an applicant upon written request.

2. A charter school applicant must participate in the training provided by the Department of Education prior to filing an application. However, a sponsor may require the charter school applicant to attend

training provided by the sponsor in lieu of the department's training if the sponsor's training standards meet or exceed the standards developed by the Department of Education. The training shall include instruction in accurate financial planning and good business practices. In addition to the applicant, if the applicant is a management company or other nonprofit organization, the charter school principal and the chief financial officer must also participate in the training.

(7) CHARTER.—The major issues involving the operation of a charter school shall be considered in advance and written into the charter. The charter shall be signed by the governing body of the charter school and the sponsor, following a public hearing to ensure community input.

(a) The charter shall address, and criteria for approval of the charter shall be based on:

1. The school's mission, the students to be served, and the ages and grades to be included.

2. The focus of the curriculum, the instructional methods to be used, any distinctive instructional techniques to be employed, and identification and acquisition of appropriate technologies needed to improve educational and administrative performance which include a means for promoting safe, ethical, and appropriate uses of technology which comply with legal and professional standards. The charter shall ensure that reading is a primary focus of the curriculum and that resources are provided to identify and provide specialized instruction for students who are reading below grade level. The curriculum and instructional strategies for reading must be consistent with the Sunshine State Standards and grounded in scientifically based reading research.

3. The current incoming baseline standard of student academic achievement, the outcomes to be achieved, and the method of measurement that will be used. The criteria listed in this subparagraph shall include a detailed description for each of the following:

a. How the baseline student academic achievement levels and prior rates of academic progress will be established.

b. How these baseline rates will be compared to rates of academic progress achieved by these same students while attending the charter school.

c. To the extent possible, how these rates of progress will be evaluated and compared with rates of progress of other closely comparable student populations.

The district school board is required to provide academic student performance data to charter schools for each of their students coming from the district school system, as well as rates of academic progress of comparable student populations in the district school system.

4. The methods used to identify the educational strengths and needs of students and how well educational goals and performance standards are met by students attending the charter school. Included in the methods is a means for the charter school to ensure accountability to its constituents by analyzing student performance data and by evaluating the effectiveness and efficiency of its major educational programs. Students in charter schools shall, at a minimum, participate in the statewide assessment program created under s. 1008.22.

5. In secondary charter schools, a method for determining that a student has satisfied the requirements for graduation in s. 1003.43.

6. A method for resolving conflicts between the governing body of the charter school and the sponsor.

7. The admissions procedures and dismissal procedures, including the school's code of student conduct.

8. The ways by which the school will achieve a racial/ethnic balance reflective of the community it serves or within the racial/ethnic range of other public schools in the same school district.

9. The financial and administrative management of the school, including a reasonable demonstration of the professional experience or competence of those individuals or organizations applying to operate the charter school or those hired or retained to perform such professional services and the description of clearly delineated responsibilities and the policies and practices needed to effectively manage the charter school.

A description of internal audit procedures and establishment of controls to ensure that financial resources are properly managed must be included. Both public sector and private sector professional experience shall be equally valid in such a consideration.

10. The asset and liability projections required in the application which are incorporated into the charter and which shall be compared with information provided in the annual report of the charter school. ~~The charter shall ensure that, if a charter school internal audit or annual financial audit reveals a state of financial emergency as defined in s. 218.503 or deficit financial position, the auditors are required to notify the charter school governing board, the sponsor, and the Department of Education. The internal auditor shall report such findings in the form of an exit interview to the principal or the principal administrator of the charter school and the chair of the governing board within 7 working days after finding the state of financial emergency or deficit position. A final report shall be provided to the entire governing board, the sponsor, and the Department of Education within 14 working days after the exit interview. When a charter school is in a state of financial emergency, the charter school shall file a detailed financial recovery plan with the sponsor. The department, with the involvement of both sponsors and charter schools, shall establish guidelines for developing such plans.~~

11. A description of procedures that identify various risks and provide for a comprehensive approach to reduce the impact of losses; plans to ensure the safety and security of students and staff; plans to identify, minimize, and protect others from violent or disruptive student behavior; and the manner in which the school will be insured, including whether or not the school will be required to have liability insurance, and, if so, the terms and conditions thereof and the amounts of coverage.

12. The term of the charter which shall provide for cancellation of the charter if insufficient progress has been made in attaining the student achievement objectives of the charter and if it is not likely that such objectives can be achieved before expiration of the charter. The initial term of a charter shall be for 4 or 5 years. In order to facilitate access to long-term financial resources for charter school construction, charter schools that are operated by a municipality or other public entity as provided by law are eligible for up to a 15-year charter, subject to approval by the district school board. A charter lab school is eligible for a charter for a term of up to 15 years. In addition, to facilitate access to long-term financial resources for charter school construction, charter schools that are operated by a private, not-for-profit, s. 501(c)(3) status corporation are eligible for up to a 15-year charter, subject to approval by the district school board. Such long-term charters remain subject to annual review and may be terminated during the term of the charter, but only according to the provisions set forth in subsection (8).

13. The facilities to be used and their location.

14. The qualifications to be required of the teachers and the potential strategies used to recruit, hire, train, and retain qualified staff to achieve best value.

15. The governance structure of the school, including the status of the charter school as a public or private employer as required in paragraph (12)(i).

16. A timetable for implementing the charter which addresses the implementation of each element thereof and the date by which the charter shall be awarded in order to meet this timetable.

17. In the case of an existing public school being converted to charter status, alternative arrangements for current students who choose not to attend the charter school and for current teachers who choose not to teach in the charter school after conversion in accordance with the existing collective bargaining agreement or district school board rule in the absence of a collective bargaining agreement. However, alternative arrangements shall not be required for current teachers who choose not to teach in a charter lab school, except as authorized by the employment policies of the state university which grants the charter to the lab school.

18. *Full disclosure of the identity of all relatives employed by the charter school who are related to the charter school owner, president, chairperson of the governing board of directors, superintendent, governing board member, principal, assistant principal, or any other person employed by the charter school having equivalent decisionmaking authority. For the purpose of this subparagraph, the term "relative" means father, mother, son, daughter, brother, sister, uncle, aunt, first cousin,*

*nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister.*

(8) CAUSES FOR NONRENEWAL OR TERMINATION OF CHARTER.—

(d) A charter may be terminated immediately if the sponsor determines that good cause has been shown or if the health, safety, or welfare of the students is threatened. *The sponsor's determination is not subject to an informal hearing under paragraph (b) or pursuant to chapter 120.* The sponsor shall notify in writing the charter school's governing body, the charter school principal, and the department if a charter is immediately terminated. The sponsor shall clearly identify the specific issues that resulted in the immediate termination and provide evidence of prior notification of issues resulting in the immediate termination when appropriate. The school district in which the charter school is located shall assume operation of the school under these circumstances. The charter school's governing board may, within 30 days after receiving the sponsor's decision to terminate the charter, appeal the decision pursuant to the procedure established in subsection (6).

(9) CHARTER SCHOOL REQUIREMENTS.—

~~(g) A charter school shall provide for an annual financial audit in accordance with s. 218.39. Financial audits that reveal a state of financial emergency as defined in s. 218.503 and are conducted by a certified public accountant or auditor in accordance with s. 218.39 shall be provided to the governing body of the charter school within 7 working days after finding that a state of financial emergency exists. When a charter school is found to be in a state of financial emergency by a certified public accountant or auditor, the charter school must file a detailed financial recovery plan with the sponsor within 30 days after receipt of the audit.~~

~~(g)(h)~~ In order to provide financial information that is comparable to that reported for other public schools, charter schools are to maintain all financial records which constitute their accounting system:

1. In accordance with the accounts and codes prescribed in the most recent issuance of the publication titled "Financial and Program Cost Accounting and Reporting for Florida Schools"; or

2. At the discretion of the charter school governing board, a charter school may elect to follow generally accepted accounting standards for not-for-profit organizations, but must reformat this information for reporting according to this paragraph.

Charter schools shall provide annual financial report and program cost report information in the state-required formats for inclusion in district reporting in compliance with s. 1011.60(1). Charter schools that are operated by a municipality or are a component unit of a parent nonprofit organization may use the accounting system of the municipality or the parent but must reformat this information for reporting according to this paragraph. *A charter school shall provide monthly financial statements to the sponsor.*

~~(h)(i)~~ The governing board of the charter school shall annually adopt and maintain an operating budget.

~~(i)(j)~~ The governing body of the charter school shall exercise continuing oversight over charter school operations.

~~(j)(k)~~ The governing body of the charter school shall be responsible for:

1. Ensuring that the charter school has retained the services of a certified public accountant or auditor for the annual financial audit, pursuant to s. 1002.345(2) ~~paragraph (g)~~, who shall submit the report to the governing body.

2. Reviewing and approving the audit report, including audit findings and recommendations for the financial recovery plan.

3.a. *Performing the duties provided for in s. 1002.345, including monitoring a corrective action plan.*

b. Monitoring a financial recovery plan in order to ensure compliance.

4. Participating in governance training approved by the department that must include government in the sunshine, conflicts of interest, ethics, and financial responsibility.

(k)(4) The governing body of the charter school shall report its progress annually to its sponsor, which shall forward the report to the Commissioner of Education at the same time as other annual school accountability reports. The Department of Education shall develop a uniform, online annual accountability report to be completed by charter schools. This report shall be easy to utilize and contain demographic information, student performance data, and financial accountability information. A charter school shall not be required to provide information and data that is duplicative and already in the possession of the department. The Department of Education shall include in its compilation a notation if a school failed to file its report by the deadline established by the department. The report shall include at least the following components:

1. Student achievement performance data, including the information required for the annual school report and the education accountability system governed by ss. 1008.31 and 1008.345. Charter schools are subject to the same accountability requirements as other public schools, including reports of student achievement information that links baseline student data to the school's performance projections identified in the charter. The charter school shall identify reasons for any difference between projected and actual student performance.

2. Financial status of the charter school which must include revenues and expenditures at a level of detail that allows for analysis of the ability to meet financial obligations and timely repayment of debt.

3. Documentation of the facilities in current use and any planned facilities for use by the charter school for instruction of students, administrative functions, or investment purposes.

4. Descriptive information about the charter school's personnel, including salary and benefit levels of charter school employees, the proportion of instructional personnel who hold professional or temporary certificates, and the proportion of instructional personnel teaching in-field or out-of-field.

(l)(m) A charter school shall not levy taxes or issue bonds secured by tax revenues.

(m)(n) A charter school shall provide instruction for at least the number of days required by law for other public schools, and may provide instruction for additional days.

(n)(o) The director and a representative of the governing body of a charter school that has received a school grade of "D" under s. 1008.34(2) shall appear before the sponsor or the sponsor's staff at least once a year to present information concerning each contract component having noted deficiencies. The sponsor shall communicate at the meeting, and in writing to the director, the services provided to the school to help the school address its deficiencies.

(o)(p) Upon notification that a charter school receives a school grade of "D" for 2 consecutive years or a school grade of "F" under s. 1008.34(2), the charter school sponsor or the sponsor's staff shall require the director and a representative of the governing body to submit to the sponsor for approval a school improvement plan to raise student achievement and to implement the plan. The sponsor has the authority to approve a school improvement plan that the charter school will implement in the following school year. The sponsor may also consider the State Board of Education's recommended action pursuant to s. 1008.33(1) as part of the school improvement plan. The Department of Education shall offer technical assistance and training to the charter school and its governing body and establish guidelines for developing, submitting, and approving such plans.

1. If the charter school fails to improve its student performance from the year immediately prior to the implementation of the school improvement plan, the sponsor shall place the charter school on probation and shall require the charter school governing body to take one of the following corrective actions:

- a. Contract for the educational services of the charter school;
- b. Reorganize the school at the end of the school year under a new director or principal who is authorized to hire new staff and implement a plan that addresses the causes of inadequate progress; or

c. Reconstitute the charter school.

2. A charter school that is placed on probation shall continue the corrective actions required under subparagraph 1. until the charter school improves its student performance from the year prior to the implementation of the school improvement plan.

3. Notwithstanding any provision of this paragraph, the sponsor may terminate the charter at any time pursuant to the provisions of subsection (8).

(p)(q) The director and a representative of the governing body of a graded charter school that has submitted a school improvement plan or has been placed on probation under paragraph (o)(p) shall appear before the sponsor or the sponsor's staff at least once a year to present information regarding the corrective strategies that are being implemented by the school pursuant to the school improvement plan. The sponsor shall communicate at the meeting, and in writing to the director, the services provided to the school to help the school address its deficiencies.

(10) ELIGIBLE STUDENTS.—

(a) A charter school shall be open to any student ~~covered in an interdistrict agreement or~~ residing in the school district in which the charter school is located; however, in the case of a charter lab school, the charter lab school shall be open to any student eligible to attend the lab school as provided in s. 1002.32 or who resides in the school district in which the charter lab school is located. Any eligible student shall be allowed interdistrict transfer to attend a charter school when based on good cause. *Good cause shall include, but not be limited to, geographic proximity to a charter school in a neighboring school district.*

(17) FUNDING.—Students enrolled in a charter school, regardless of the sponsorship, shall be funded as if they are in a basic program or a special program, the same as students enrolled in other public schools in the school district. Funding for a charter lab school shall be as provided in s. 1002.32.

(a) Each charter school shall report its student enrollment to the sponsor as required in s. 1011.62, and in accordance with the definitions in s. 1011.61. The sponsor shall include each charter school's enrollment in the district's report of student enrollment. All charter schools submitting student record information required by the Department of Education shall comply with the Department of Education's guidelines for electronic data formats for such data, and all districts shall accept electronic data that complies with the Department of Education's electronic format.

(b) The basis for the agreement for funding students enrolled in a charter school shall be the sum of the school district's operating funds from the Florida Education Finance Program as provided in s. 1011.62 and the General Appropriations Act, including gross state and local funds, discretionary lottery funds, and funds from the school district's current operating discretionary millage levy; divided by total funded weighted full-time equivalent students in the school district; multiplied by the weighted full-time equivalent students for the charter school. Charter schools whose students or programs meet the eligibility criteria in law shall be entitled to their proportionate share of categorical program funds included in the total funds available in the Florida Education Finance Program by the Legislature, including transportation. Total funding for each charter school shall be recalculated during the year to reflect the revised calculations under the Florida Education Finance Program by the state and the actual weighted full-time equivalent students reported by the charter school during the full-time equivalent student survey periods designated by the Commissioner of Education. *Florida Education Finance Program funds for a charter school must be distributed to the charter school by the district school board within 10 days after receipt from the state.*

(c) If the district school board is providing programs or services to students funded by federal funds, any eligible students enrolled in charter schools in the school district shall be provided federal funds for the same level of service provided students in the schools operated by the district school board. Pursuant to provisions of 20 U.S.C. 8061 s. 10306, all charter schools shall receive all federal funding for which the school is otherwise eligible, including Title I funding, not later than 5 months after the charter school first opens and within 5 months after any subsequent expansion of enrollment.

(d) District school boards shall make timely and efficient payment and reimbursement to charter schools, including processing paperwork required to access special state and federal funding for which they may be eligible. The district school board may distribute funds to a charter school for up to 3 months based on the projected full-time equivalent student membership of the charter school. Thereafter, the results of full-time equivalent student membership surveys shall be used in adjusting the amount of funds distributed monthly to the charter school for the remainder of the fiscal year. The payment shall be issued no later than 10 working days after the district school board receives a distribution of state or federal funds. If a warrant for payment is not issued within 10 working days after receipt of funding by the district school board, the school district shall pay to the charter school, in addition to the amount of the scheduled disbursement, interest at a rate of 1 percent per month calculated on a daily basis on the unpaid balance from the expiration of the 10 working days until such time as the warrant is issued.

(21) PUBLIC INFORMATION ON CHARTER SCHOOLS.—

(a) The Department of Education shall provide information to the public, directly and through sponsors, both on how to form and operate a charter school and on how to enroll in charter schools once they are created. This information shall include a standard application format, charter format, *evaluation instrument*, and charter renewal format, which shall include the information specified in subsection (7) and shall be developed by consulting and negotiating with both school districts, the Florida Schools of Excellence Commission, and charter schools before implementation. The charter and charter renewal These formats shall be used as guidelines by charter school sponsors.

(b)1. The Department of Education shall report student assessment data pursuant to s. 1008.34(3)(b) which is reported to schools that receive a school grade pursuant to s. 1008.34 or student assessment data pursuant to s. 1008.341(3) which is reported to alternative schools that receive a school improvement rating pursuant to s. 1008.341 to each charter school that:

a. Does not receive a school grade pursuant to s. 1008.34 or a school improvement rating pursuant to s. 1008.341; and

b. Serves at least 10 students who are tested on the statewide assessment test pursuant to s. 1008.22.

2. The charter school shall report the information in subparagraph 1. to each parent of a student at the charter school, the parent of a child on a waiting list for the charter school, the district in which the charter school is located, and the governing board of the charter school. This paragraph does not abrogate the provisions of s. 1002.22, relating to student records, and the requirements of 20 U.S.C. s. 1232g, the Family Educational Rights and Privacy Act.

3.a. Pursuant to this paragraph, the Department of Education shall compare the charter school student performance data for each charter school in subparagraph 1. with the student performance data in traditional public schools in the district in which the charter school is located and other charter schools in the state. For alternative charter schools, the department shall compare the student performance data described in this paragraph with all alternative schools in the state. The comparative data shall be provided by the following grade groupings:

(I) Grades 3 through 5;

(II) Grades 6 through 8; and

(III) Grades 9 through 11.

b. Each charter school shall provide the information in this paragraph on its Internet website and also provide notice to the public in a manner that notifies the community at large, as provided by rules of the State Board of Education. The State Board of Education shall adopt rules to administer the notice requirements of this subparagraph pursuant to ss. 120.536(1) and 120.54. The website shall include, through links or actual content, other information related to school performance.

(23) ANALYSIS OF CHARTER SCHOOL PERFORMANCE.—Upon receipt of the annual report required by paragraph (9)(b) (9)(4), the Department of Education shall provide to the State Board of Education, the Commissioner of Education, the Governor, the President of the Senate, and the Speaker of the House of Representatives an analysis and comparison of the overall performance of charter school students, to include

all students whose scores are counted as part of the statewide assessment program, versus comparable public school students in the district as determined by the statewide assessment program currently administered in the school district, and other assessments administered pursuant to s. 1008.22(3).

(24) RESTRICTION ON EMPLOYMENT OF RELATIVES.—

(a) This subsection applies to charter school personnel in a charter school operated by a private entity. As used in this subsection, the term:

1. “Charter school personnel” means a charter school owner, president, chairperson of the governing board of directors, superintendent, governing board member, principal, assistant principal, or any other person employed by the charter school having equivalent decisionmaking authority and in whom is vested the authority, or to whom the authority has been delegated, to appoint, employ, promote, or advance individuals or to recommend individuals for appointment, employment, promotion, or advancement in connection with employment in a charter school, including the authority as a member of a governing body of a charter school to vote on the appointment, employment, promotion, or advancement of individuals.

2. “Relative” means father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister.

(b) Charter school personnel may not appoint, employ, promote, or advance, or advocate for appointment, employment, promotion, or advancement, in or to a position in the charter school in which the personnel are serving or over which the personnel exercises jurisdiction or control any individual who is a relative. An individual may not be appointed, employed, promoted, or advanced in or to a position in a charter school if such appointment, employment, promotion, or advancement has been advocated by charter school personnel who serve in or exercise jurisdiction or control over the charter school and who is a relative of the individual or if such appointment, employment, promotion, or advancement is made by the governing board of which a relative of the individual is a member.

(c) The requirements in paragraph (b) may be waived by the Commissioner of Education or his or her designee for good cause.

(d) Mere approval of budgets does not constitute “jurisdiction or control” for the purposes of this subsection. Charter school personnel in schools operated by a municipality or other public entity are subject to the provisions of s. 112.3135.

(25) STANDARDS OF CONDUCT AND FINANCIAL DISCLOSURE.—

(a) A member of a governing board of a charter school, including a charter school operated by a private entity, is subject to the provisions of ss. 112.313(2), (3), (7), and (12) and 112.3143(3).

(b) A member of a governing board of a charter school operated by a municipality or other public entity is subject to the provisions of s. 112.3144, relating to the disclosure of financial interests.

Section 7. Subsection (5), paragraph (a) of subsection (7), paragraph (a) of subsection (11), and subsection (12) of section 1002.335, Florida Statutes, are amended to read:

1002.335 Florida Schools of Excellence Commission.—

(5) CHARTERING AUTHORITY.—

(a) A charter school applicant may submit an application to the commission only if the school district in which the FSE charter school is to be located has not retained exclusive authority to authorize charter schools as provided in paragraph (e). If a district school board has not retained exclusive authority to authorize charter schools as provided in paragraph (e), the district school board and the commission shall have concurrent authority to authorize charter schools and FSE charter schools, respectively, to be located within the geographic boundaries of the school district. The district school board shall monitor and oversee all charter schools authorized by the district school board pursuant to s.

1002.33. The commission shall monitor and oversee all FSE charter schools sponsored by the commission pursuant to subsection (4).

(b) Paragraph (e) may not be construed to eliminate the ability of a district school board to authorize charter schools pursuant to s. 1002.33. A district school board shall retain the authority to reauthorize and to oversee any charter school that it has authorized, except with respect to any charter school that is converted to an FSE charter school under this section.

(c) For fiscal year 2008-2009 and every 4 fiscal years ~~2007-2008 and for each fiscal year~~ thereafter, a district school board may seek ~~to retain~~ exclusive authority to authorize charter schools within the geographic boundaries of the school district by presenting to the State Board of Education, on or before March 1 of the fiscal year prior to that for which the exclusive authority is to apply, a written resolution adopted by the district school board indicating the intent to ~~seek retain~~ exclusive authority to authorize charter schools. ~~A district school board may seek to retain the exclusive authority to authorize charter schools by presenting to the state board the written resolution on or before a date 60 days after establishment of the commission.~~ The written resolution shall be accompanied by a written description addressing the elements described in paragraph (e). The district school board shall provide a complete copy of the resolution, including the description, to each charter school authorized by the district school board on or before the date it submits the resolution to the state board.

(d) A party may challenge the grant of exclusive authority made by the State Board of Education pursuant to paragraph (e) by filing with the state board a notice of challenge within 30 days after the state board grants exclusive authority. The notice shall be accompanied by a specific written description of the basis for the challenge. The challenging party, at the time of filing notice with the state board, shall provide a copy of the notice of challenge to the district school board that has been granted exclusive authority. The state board shall permit the district school board the opportunity to appear and respond in writing to the challenge. The state board shall make a determination upon the challenge within 60 days after receiving the notice of challenge.

(e) The State Board of Education shall grant to a district school board exclusive authority to authorize charter schools within the geographic boundaries of the school district if the state board determines, after adequate notice, in a public hearing, and after receiving input from any charter school authorized by the district school board, that the district school board has provided fair and equitable treatment to its charter schools during the 4 years prior to the district school board's submission of the resolution described in paragraph (c). The state board's review of the resolution shall, at a minimum, include consideration of the following:

1. Compliance with the provisions of s. 1002.33.
2. Compliance with full and accurate accounting practices and charges for central administrative overhead costs.
3. Compliance with requirements allowing a charter school, at its discretion, to purchase certain services or a combination of services at actual cost to the district.
4. The absence of a district school board moratorium regarding charter schools or the absence of any districtwide charter school enrollment limits.
5. Compliance with valid orders of the state board.
6. The provision of assistance to charter schools to meet their facilities needs by including those needs in local bond issues or otherwise providing available land and facilities that are comparable to those provided to other public school students in the same grade levels within the school district.
7. The distribution to charter schools authorized by the district school board of a pro rata share of federal and state grants received by the district school board, except for any grant received for a particular purpose which, by its express terms, is intended to benefit a student population not able to be served by, or a program not able to be offered at, a charter school that did not receive a proportionate share of such grant proceeds.

8. The provision of adequate staff and other resources to serve charter schools authorized by the district school board, which services are provided by the district school board at a cost to the charter schools that does not exceed their actual cost to the district school board.

9. The lack of a policy or practice of imposing individual charter school enrollment limits, except as otherwise provided by law.

10. The provision of an adequate number of educational choice programs to serve students exercising their rights to transfer pursuant to the "No Child Left Behind Act of 2001," Pub. L. No. 107-110, and a history of charter school approval that encourages chartering.

(f) The decision of the State Board of Education ~~to grant or deny exclusive authority to a district school board~~ pursuant to paragraph (e) ~~shall be effective for 4 fiscal years~~, shall not be subject to the provisions of chapter 120 and shall be a final action subject to judicial review by the district court of appeal.

(g) For district school boards that have no discernible history of authorizing charter schools, the State Board of Education may not grant exclusive authority unless the district school board demonstrates that no approvable application has come before the district school board.

(h) A grant of exclusive authority by the State Board of Education shall continue so long as a district school board continues to comply with this section ~~and has presented a written resolution to the state board as set forth in paragraph (e).~~

(i) Notwithstanding any other provision of this section to the contrary, a district school board may permit the establishment of one or more FSE charter schools within the geographic boundaries of the school district by adopting a favorable resolution and submitting the resolution to the State Board of Education. The resolution shall be effective until it is rescinded by resolution of the district school board.

#### (7) COSPONSOR AGREEMENT.—

(a) Upon approval of a cosponsor, the commission and the cosponsor shall enter into an agreement that defines the cosponsor's rights and obligations and includes the following:

1. An explanation of the personnel, contractual and interagency relationships, and potential revenue sources referenced in the application as required in paragraph (6)(c).

2. Incorporation of the requirements of equal access for all students, including any plans to provide food service or transportation reasonably necessary to provide access to as many students as possible.

3. Incorporation of the requirement to serve low-income, low-performing, gifted, or underserved student populations.

4. An explanation of the academic and financial goals and expected outcomes for the cosponsor's charter schools and the method and plans by which they will be measured and achieved as referenced in the application.

5. The conflict-of-interest policies referenced in the application.

6. An explanation of the disposition of facilities and assets upon termination and dissolution of a charter school approved by the cosponsor.

7.a. A provision requiring the cosponsor to annually appear before the commission and provide a report as to the information provided pursuant to s. 1002.33(9)(k) ~~s. 1002.33(9)(l)~~ for each of its charter schools.

b. A provision requiring the cosponsor to perform the duties provided for in s. 1002.345.

c. A provision requiring the governing board to perform the duties provided for in s. 1002.345, including monitoring the corrective action plan.

8. A provision requiring that the cosponsor report the student enrollment in each of its sponsored charter schools to the district school board of the county in which the school is located.

9. A provision requiring that the cosponsor work with the commission to provide the necessary reports to the State Board of Education.

10. Any other reasonable terms deemed appropriate by the commission given the unique characteristics of the cosponsor.

(11) APPLICATION OF CHARTER SCHOOL STATUTE.—

(a) The provisions of s. 1002.33(7)-(12), (14), and (16)-(19), (21)(b), (24), and (25) shall apply to the commission and the cosponsors and charter schools approved pursuant to this section.

(12) ACCESS TO INFORMATION.—The commission shall provide maximum access to information to all parents in the state. It shall maintain information systems, including, but not limited to, a user-friendly Internet website, that will provide information and data necessary for parents to make informed decisions, including a link to the information provided in s. 1002.33(21)(b)3.b. At a minimum, the commission must provide parents with information on its accountability standards, links to schools of excellence throughout the state, and public education programs available in the state.

Section 8. Subsections (4) and (5), paragraphs (d) and (f) of subsection (6), paragraph (c) of subsection (10), and subsection (13) of section 1002.34, Florida Statutes, are amended to read:

1002.34 Charter technical career centers.—

(4) CHARTER.—A sponsor may designate centers as provided in this section. An application to establish a center may be submitted by a sponsor or another organization that is determined, by rule of the State Board of Education, to be appropriate. However, an independent school is not eligible for status as a center. The charter must be signed by the governing body of the center and the sponsor, and must be approved by the district school board and community college board of trustees in whose geographic region the facility is located. If a charter technical career center is established by the conversion to charter status of a public technical center formerly governed by a district school board, the charter status of that center takes precedence in any question of governance. The governance of the center or of any program within the center remains with its board of directors unless the board agrees to a change in governance or its charter is revoked as provided in subsection (15). Such a conversion charter technical career center is not affected by a change in the governance of public technical centers or of programs within other centers that are or have been governed by district school boards. A charter technical career center, or any program within such a center, that was governed by a district school board and transferred to a community college prior to the effective date of this act is not affected by this provision. An applicant who wishes to establish a center must submit to the district school board or community college board of trustees, or a consortium of one or more of each, an application on a form developed by the Department of Education which ~~that~~ includes:

- (a) The name of the proposed center.
- (b) The proposed structure of the center, including a list of proposed members of the board of directors or a description of the qualifications for and method of their appointment or election.
- (c) The workforce development goals of the center, the curriculum to be offered, and the outcomes and the methods of assessing the extent to which the outcomes are met.
- (d) The admissions policy and criteria for evaluating the admission of students.
- (e) A description of the staff responsibilities and the proposed qualifications of the teaching staff.
- (f) A description of the procedures to be implemented to ensure significant involvement of representatives of business and industry in the operation of the center.
- (g) A method for determining whether a student has satisfied the requirements for graduation specified in s. 1003.43 and for completion of a postsecondary certificate or degree.
- (h) A method for granting secondary and postsecondary diplomas, certificates, and degrees.

(i) A description of and address for the physical facility in which the center will be located.

(j) A method of resolving conflicts between the governing body of the center and the sponsor and between consortium members, if applicable.

(k) A method for reporting student data as required by law and rule.

(l) A statement that the applicant has participated in the training provided by the Department of Education.

(m) The identity of all relatives employed by the charter technical career center who are related to the center owner, president, chairperson of the governing board of directors, superintendent, governing board member, principal, assistant principal, or any other person employed by the center who has equivalent decisionmaking authority. As used in this paragraph, the term "relative" means father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister.

(m)(4) Other information required by the district school board or community college board of trustees.

Students at a center must meet the same testing and academic performance standards as those established by law and rule for students at public schools and public technical centers. The students must also meet any additional assessment indicators that are included within the charter approved by the district school board or community college board of trustees.

(5) APPLICATION.—An application to establish a center must be submitted by February 1 of the year preceding the school year in which the center will begin operation. The sponsor must review the application using an evaluation instrument developed by the Department of Education and make a final decision on whether to approve the application and grant the charter by March 1, and may condition the granting of a charter on the center's taking certain actions or maintaining certain conditions. Such actions and conditions must be provided to the applicant in writing. The district school board or community college board of trustees is not required to issue a charter to any person.

(6) SPONSOR.—A district school board or community college board of trustees or a consortium of one or more of each may sponsor a center in the county in which the board has jurisdiction.

(d)1. The Department of Education shall offer or arrange for training and technical assistance to applicants in developing business plans and estimating costs and income. This assistance shall address estimating startup costs, projecting enrollment, and identifying the types and amounts of state and federal financial assistance the center will be eligible to receive. The training shall include instruction in accurate financial planning and good business practices.

2. An applicant must participate in the training provided by the Department of Education prior to filing an application. The Department of Education may provide technical assistance to an applicant upon written request.

(f) The sponsor shall monitor and review the center's progress toward charter goals and shall monitor the center's revenues and expenditures. The sponsor shall perform the duties provided for in s. 1002.345.

(10) EXEMPTION FROM STATUTES.—

(c) A center must comply with the antidiscrimination provisions of s. 1000.05 and the provisions of s. 1002.33(24), relating to the employment of relatives.

(13) BOARD OF DIRECTORS AUTHORITY.—The board of directors of a center may decide matters relating to the operation of the school, including budgeting, curriculum, and operating procedures, subject to the center's charter. The board of directors is responsible for performing the duties provided for in s. 1002.345, including monitoring the corrective action plan. The board of directors must comply with the provisions of s. 1002.33(25).

Section 9. Section 1002.345, Florida Statutes, is created to read:

1002.345 Determination of financial weaknesses and financial emergencies for charter schools and charter technical career centers.—This section applies to charter schools operating pursuant to ss. 1002.33 and 1002.335, and to charter technical career centers operating pursuant to s. 1002.34.

(1) FINANCIAL WEAKNESS; REQUIREMENTS.—

(a) A charter school and a charter technical career center shall be subject to an expedited review by the sponsor when any one of the following conditions occurs:

1. An end-of-year financial deficit.
2. A substantial decline in student enrollment without a commensurate reduction in expenses.
3. Insufficient revenues to pay current operating expenses.
4. Insufficient revenues to pay long-term expenses.
5. Disproportionate administrative expenses.
6. Excessive debt.
7. Excessive expenditures.
8. Inadequate fund balances or reserves.
9. Failure to meet financial reporting requirements pursuant to s. 1002.33(9), s. 1002.335(7)(a)7., or s. 1002.34(14).
10. Weak financial controls or other adverse financial conditions identified through an annual audit conducted pursuant to s. 218.39.
11. Negative financial findings cited in reports by the Auditor General or the Office of Program Policy Analysis and Government Accountability.

(b) A sponsor shall notify the governing board within 7 working days when one or more of the conditions specified in paragraph (a) occur.

(c) The governing board and the sponsor shall develop a corrective action plan and file the plan with the Commissioner of Education within 30 working days. If the governing board and the sponsor are unable to agree on a corrective action plan, the Commissioner of Education shall determine the components of the plan. The governing board shall implement the plan.

(d) The governing board shall include the corrective action plan and the status of its implementation in the annual progress report to the sponsor that is required under s. 1002.33(9)(k), s. 1002.335(7)(a)7., or s. 1002.34(14).

(e) If the governing board fails to implement the corrective action plan within 1 year, the State Board of Education shall prescribe any steps necessary for the charter school or the charter technical career center to comply with state requirements.

(f) The chair of the governing board shall annually appear before the State Board of Education and report on the implementation of the State Board of Education's requirements.

(2) FINANCIAL EMERGENCY; DEFICIT FUND BALANCE; DEFICIT NET ASSETS; REQUIREMENTS.—

(a) A charter school and a charter technical career center shall provide for a certified public accountant or auditor to conduct an annual financial audit in accordance with s. 218.39.

(b) The charter shall ensure that, if an annual financial audit of a charter school or charter technical career center reveals one or more of the conditions in s. 218.503(1) have occurred or will occur if action is not taken or if a charter school or charter technical career center has a deficit fund balance or deficit net assets, the auditor must notify the governing board of the charter school or charter technical career center, as appropriate, the sponsor, and the Commissioner of Education.

(c)1. When a financial audit conducted by a certified public accountant in accordance with s. 218.39 reveals that one or more of the conditions

in s. 218.503(1) have occurred or will occur if action is not taken or when a deficit fund balance or deficit net assets exist, the auditor shall notify and provide the financial audit to the governing board of the charter school or charter technical career center, as appropriate, the sponsor, and the Commissioner of Education within 7 working days after the finding is made.

2. When the charter school or charter technical career center is found to be in a state of financial emergency pursuant to s. 218.503(4), the charter school or charter technical career center shall file a detailed financial recovery plan as provided for in s. 218.503 with the sponsor within 30 days after being notified by the Commissioner of Education that a financial recovery plan is needed.

(d) The sponsor shall file a copy of the financial recovery plan with the Commissioner of Education.

(e) The governing board shall include the financial recovery plan and the status of its implementation in the annual progress report to the sponsor which is required under s. 1002.33(9)(k), s. 1002.335(7)(a)7., or s. 1002.34(14).

(3) REPORT.—The Commissioner of Education shall annually report to the State Board of Education each charter school and charter technical career center that is subject to a financial recovery plan or a corrective action plan under this section.

(4) RULES.—The State Board of Education shall adopt rules pursuant to ss. 120.536(1) and 120.54 for developing financial recovery and corrective action plans and establishing the criteria for defining each of the conditions in subsection (1).

(5) TECHNICAL ASSISTANCE.—The Department of Education shall provide technical assistance to charter schools, charter technical career centers, governing boards, and sponsors in developing financial recovery and corrective action plans.

(6) FAILURE TO CORRECT DEFICIENCIES.—The sponsor may choose not to renew or may terminate a charter if the charter school or charter technical career center fails to correct the deficiencies noted in the corrective action plan within 1 year or exhibits one or more financial emergency conditions as provided in s. 218.503 for 2 consecutive years. This subsection is not intended to affect a sponsor's authority to terminate or not renew a charter pursuant to s. 1002.33(8).

And the title is amended as follows:

On line(s) 1305, after the first semicolon (;) insert: amending ss. 11.45, 218.50, and 218.501, F.S., relating to audit reports by the Auditor General; conforming provisions related to changes in the entities subject to a state of financial emergency; amending ss. 218.503 and 218.504, F.S.; providing that charter technical career centers are subject to certain requirements in the event of a financial emergency; requiring that the sponsor be notified of certain conditions; providing for the development of a financial recovery plan, which may be approved by the Commissioner of Education; amending s. 1002.33, F.S.; providing for duties of charter school sponsors and governing boards when charter schools and charter technical career centers experience a financial weakness or a financial emergency; specifying forms to be used by charter school applicants and sponsors; requiring applicant training and documentation; deleting the auditing requirements and financial emergency provisions for charter schools; requiring charters schools to disclose the identity of relatives of charter school personnel; providing that the immediate termination of a charter is exempt from requirements for an informal hearing or for a hearing under ch. 120, F.S.; revising provisions relating to eligible students; providing requirements for the distribution of funds for charter schools; providing for the disclosure of the performance of charter schools that are not given a school grade or school improvement rating; revising the requirements for providing information to the public on how to form and operate a charter school; providing reporting requirements; providing restrictions for the employment of relatives by charter school personnel; providing for a waiver by the Commissioner of Education; providing that members of a charter school governing board are subject to certain standards of conduct specified in ss. 112.313 and 112.3143, F.S.; amending s. 1002.335, F.S.; eliminating the requirement for district school boards to annually seek continued exclusivity from the State Board of Education; specifying additional components of cosponsor agreements; amending s. 1002.34, F.S.; providing additional duties for charter technical career centers, applicants, sponsors, and governing

boards; requiring the Department of Education to offer or arrange training and assistance to applicants for a charter technical career center; requiring that an applicant participate in the training; creating s. 1002.345, F.S.; establishing criteria and requirements for charter schools and charter technical career centers that have financial weaknesses or are in a state of financial emergency; establishing requirements for charter schools, charter technical career centers, governing bodies, and sponsors; requiring financial audits of charter schools and charter technical career centers; providing for corrective action and financial recovery plans; providing for duties of auditors, the Commissioner of Education, and the Department of Education; requiring the State Board of Education to adopt rules; providing grounds for termination or nonrenewal of a charter;

**Amendment 1B (679444)(with title amendment)**—Between line(s) 5 and 6 insert:

Section 1. Subsections (1) and (3), paragraph (b) of subsection (5), paragraphs (d), (i), and (m) of subsection (6), paragraph (e) of subsection (7), paragraph (c) of subsection (8), and subsection (11) of section 220.187, Florida Statutes, are amended, paragraphs (k) through (n) of subsection (9) are redesignated as paragraphs (m) through (p), respectively, new paragraphs (k) and (l) are added to that subsection, and a new subsection (14) is added to that section, to read:

220.187 Credits for contributions to nonprofit scholarship-funding organizations.—

(1) *FINDINGS AND PURPOSE.*—

(a) *The Legislature finds that:*

1. *It has the inherent power to determine subjects of taxation for general or particular public purposes.*

2. *Expanding educational opportunities and improving the quality of educational services within the state are valid public purposes that the Legislature may promote using its sovereign power to determine subjects of taxation and exemptions from taxation.*

3. *Ensuring that all parents, regardless of means, may exercise and enjoy their basic right to educate their children as they see fit is a valid public purpose that the Legislature may promote using its sovereign power to determine subjects of taxation and exemptions from taxation.*

4. *Expanding educational opportunities and the healthy competition they promote are critical to improving the quality of education in the state and to ensuring that all children receive the high-quality education to which they are entitled.*

(b) The purpose of this section is to:

1. ~~(a)~~ *Enable taxpayers to make Encourage private, voluntary contributions to nonprofit scholarship-funding organizations in order to promote the general welfare.*

2. *Provide taxpayers who wish to help parents with limited resources exercise their basic right to educate their children as they see fit with a means to do so.*

3. ~~(b)~~ *Promote the general welfare by expanding Expand educational opportunities for children of families that have limited financial resources.*

4. ~~(c)~~ *Enable children in this state to achieve a greater level of excellence in their education.*

5. *Improve the quality of education in this state, both by expanding educational opportunities for children and by creating incentives for schools to achieve excellence.*

(3) **PROGRAM; SCHOLARSHIP ELIGIBILITY.**—The Corporate Income Tax Credit Scholarship Program is established. A student is eligible for a corporate income tax credit scholarship if the student qualifies for free or reduced-price school lunches under the National School Lunch Act and:

(a) Was counted as a full-time equivalent student during the previous state fiscal year for purposes of state per-student funding;

(b) Received a scholarship from an eligible nonprofit scholarship-funding organization or from the State of Florida during the previous school year; or

(c) Is eligible to enter kindergarten or first grade; or

(d) *Is currently placed, or during the previous state fiscal year was placed, in foster care as defined in s. 39.01.*

Contingent upon available funds, a student may continue in the scholarship program as long as the student's household family income level does not exceed 200 percent of the federal poverty level. A sibling of a student who is continuing in the program and resides in the same household as the student shall also be eligible as a first-time corporate income tax credit scholarship recipient as long as the student's and sibling's household income level does not exceed 200 percent of the federal poverty level. Household income for purposes of a student who is currently in foster care as defined in s. 39.01 shall consist only of the income that may be considered in determining whether he or she qualifies for free or reduced-price school lunches under the National School Lunch Act.

(5) **AUTHORIZATION TO GRANT SCHOLARSHIP FUNDING TAX CREDITS; LIMITATIONS ON INDIVIDUAL AND TOTAL CREDITS.**—

(b) The total amount of tax credits and carryforward of tax credits which may be granted each state fiscal year under this section is:

1. *Through June 30, 2008, \$88 million.*

2. *Beginning July 1, 2008, and thereafter, \$118 million. At least 1 percent of the total statewide amount authorized for the tax credit shall be reserved for taxpayers who meet the definition of a small business provided in s. 288.703(1) at the time of application.*

(6) **OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING ORGANIZATIONS.**—An eligible nonprofit scholarship-funding organization:

(d)1. Must provide scholarships, from eligible contributions, to eligible students for the cost of:

a.1. ~~Tuition and fees or textbook expenses for, or transportation to, an eligible private school. At least 75 percent of the scholarship funding must be used to pay tuition expenses; or~~

b.2. ~~Transportation expenses to a Florida public school that is located outside the district in which the student resides or to a lab school as defined in s. 1002.32.~~

2. *Beginning in the 2009-2010 state fiscal year, must provide a premium payment to a scholarship student who participates in the statewide assessments pursuant to s. 1008.22 and who attends an eligible private school that has at least 95-percent participation of eligible scholarship students in the statewide assessments. This premium payment shall be applied to transportation costs related to participation in the statewide assessments, statewide assessment preparation costs, and other school fees incurred by a student which are not otherwise covered under this paragraph.*

(i) 1. *May use up to 3 percent of eligible contributions received during the state fiscal year in which such contributions are collected for administrative expenses if the organization has operated under this section for at least 3 state fiscal years and did not have any negative financial findings in its most recent audit under paragraph (l). Such administrative expenses must be reasonable and necessary for the organization's management and distribution of eligible contributions under this section. No more than one-third of the funds authorized for administrative expenses under this subparagraph may be used for expenses related to the recruitment of contributions from corporate taxpayers.*

2. *Must expend for annual or partial-year scholarships an amount equal to or greater than 75 percent of the net eligible contributions remaining after administrative expenses during the state fiscal year in which such contributions are collected. No more than 25 percent of such net eligible contributions may be carried forward to the following state fiscal year. Any amounts carried forward shall be expended for Must obligate, in the same fiscal year in which the contribution was received, 100 percent of the eligible contribution to provide annual or partial-year scholarships; however, up to 25 percent of the total contribution may be*

carried forward for expenditure in the following state fiscal year. *Net eligible contributions remaining on June 30 of each year which are in excess of the 25 percent that may be carried forward shall be returned to the State Treasury for deposit in the General Revenue Fund.*

3. ~~A scholarship funding organization~~ Must, before granting a scholarship for an academic year, document each scholarship student's eligibility for that academic year. A scholarship-funding organization may not grant multiyear scholarships in one approval process. ~~No portion of eligible contributions may be used for administrative expenses. All interest accrued from contributions must be used for scholarships.~~

(m) Must prepare and submit quarterly reports to the Department of Education pursuant to paragraph (9)(o)(~~m~~). In addition, an eligible nonprofit scholarship-funding organization must submit in a timely manner any information requested by the Department of Education relating to the scholarship program.

Any and all information and documentation provided to the Department of Education and the Auditor General relating to the identity of a taxpayer that provides an eligible contribution under this section shall remain confidential at all times in accordance with s. 213.053.

(7) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM PARTICIPATION.—

(e) The parent shall ensure that the student participating in the scholarship program takes the norm-referenced assessment offered by the private school. The parent may also choose to have the student participate in the statewide assessments pursuant to s. 1008.22. *Except as provided in subsection (6), if the parent requests that the student participating in the scholarship program take statewide assessments pursuant to s. 1008.22, the parent is responsible for transporting the student to the assessment site designated by the school district.*

(8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—An eligible private school may be sectarian or nonsectarian and must:

(c) Be academically accountable to the parent for meeting the educational needs of the student by:

1. At a minimum, annually providing to the parent a written explanation of the student's progress.

2. Annually administering or making provision for students participating in the scholarship program to take one of the nationally norm-referenced tests identified by the Department of Education. Students with disabilities for whom standardized testing is not appropriate are exempt from this requirement. A participating private school must report a student's scores to the parent and to the independent research organization selected by the Department of Education as described in paragraph (9)(j).

3. Cooperating with the scholarship student whose parent chooses to have the student participate in the statewide assessments pursuant to s. 1008.22 ~~s. 1008.32~~. *Beginning in the 2009-2010 state fiscal year, in order to encourage participation, a scholarship student who participates in the statewide assessments is eligible for a premium payment pursuant to subparagraphs (6)(d)2. and (11)(a)2.*

The inability of a private school to meet the requirements of this subsection shall constitute a basis for the ineligibility of the private school to participate in the scholarship program as determined by the Department of Education.

(9) DEPARTMENT OF EDUCATION OBLIGATIONS.—The Department of Education shall:

(k) *Provide participating schools with all preparation and instructional materials to prepare students for the statewide assessments pursuant to s. 1008.22.*

(l) *Beginning in the 2009-2010 state fiscal year, determine if at least 95 percent of a private school's eligible scholarship students participate in the statewide assessments pursuant to s. 1008.22.*

(11) SCHOLARSHIP AND PREMIUM AMOUNT AND PAYMENT.—

(a)1. The amount of a scholarship provided to any student for any single school year by an eligible nonprofit scholarship-funding organiza-

tion from eligible contributions shall be for total costs authorized under subparagraph (6)(d)1., not to exceed the following annual limits:

a.1. ~~Three thousand nine hundred fifty dollars~~ ~~Three thousand seven hundred fifty dollars~~ for a scholarship awarded to a student enrolled in an eligible private school for the 2008-2009 state fiscal year and each fiscal year thereafter.

b.2. Five hundred dollars for a scholarship awarded to a student enrolled in a Florida public school that is located outside the district in which the student resides or in a lab school as defined in s. 1002.32.

2. *Beginning in the 2009-2010 state fiscal year, the amount of an annual premium payment by an eligible nonprofit scholarship-funding organization from eligible contributions shall be \$200 for costs authorized under subparagraph (6)(d)2. provided to a student who takes the statewide assessments pursuant to s. 1008.22 if at least 95 percent of the private school's eligible scholarship students participate in the statewide assessments.*

(b) Payment of the scholarship and premium by the eligible nonprofit scholarship-funding organization shall be by individual warrant made payable to the student's parent. If the parent chooses that his or her child attend an eligible private school, the warrant must be delivered by the eligible nonprofit scholarship-funding organization to the private school of the parent's choice, and the parent shall restrictively endorse the warrant to the private school. An eligible nonprofit scholarship-funding organization shall ensure that the parent to whom the warrant is made restrictively endorsed the warrant to the private school for deposit into the account of the private school.

(c) An eligible nonprofit scholarship-funding organization shall obtain verification from the private school of a student's continued attendance at the school for ~~prior to~~ each period covered by a scholarship payment.

(d) Payment of the scholarship shall be made by the eligible nonprofit scholarship-funding organization no less frequently than on a quarterly basis.

(14) PRESERVATION OF CREDIT.—*If any provision or portion of subsection (5) or the application thereof to any person or circumstance is held unconstitutional by any court or is otherwise declared invalid, the unconstitutionality or invalidity shall not affect any credit earned under subsection (5) by any taxpayer with respect to any contribution paid to an eligible nonprofit scholarship-funding organization before the date of a determination of unconstitutionality or invalidity. Such credit shall be allowed at such time and in such a manner as if a determination of unconstitutionality or invalidity had not been made, provided that nothing in this subsection by itself or in combination with any other provision of law shall result in the allowance of any credit to any taxpayer in excess of one dollar of credit for each dollar paid to an eligible nonprofit scholarship-funding organization.*

Section 2. Corporate Income Tax Credit Scholarship Program funding.—

(1) By December 1, 2008, the Office of Program Policy Analysis and Government Accountability shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives which:

(a) Reviews the advisability and net state fiscal impact of:

1. Increasing the maximum annual amount of credits for the corporate income tax permitted under s. 220.187, Florida Statutes, for the scholarship program.

2. Authorizing the use of credits for insurance premium taxes under chapter 624, Florida Statutes, as an additional source of funding for the scholarship program under s. 220.187, Florida Statutes.

(b) Provides recommendations, if warranted by the review under paragraph (a):

1. For methodologies to annually or otherwise increase the maximum annual amount of corporate income tax credits for scholarship funding.

2. To implement the use of insurance premium tax credits for scholarship funding.

*Such recommendations may only include options that will annually produce a neutral or positive net fiscal impact on state revenue and expenditures.*

(2) *The Office of Program Policy Analysis and Government Accountability may request that the Revenue Estimating Conference and the Education Estimating Conference established under s. 216.134, Florida Statutes, evaluate its findings and recommendations under this section.*

And the title is amended as follows:

On line(s) 1305, after the first semicolon (;) insert: 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 by a scholarship-funding organization during a state fiscal year; authorizing expenditure of contributions for specified administrative expenses by certain scholarship-funding organizations; providing for the annual return of specified eligible contributions to the State Treasury; 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 providing amount of premium payments; revising requirements relating to verification of student attendance for purposes of scholarship payment; providing for preservation of credits under certain circumstances; requiring the Office of Program Policy Analysis and Government Accountability to submit a report on funding for the scholarship program to the Governor and the Legislature; specifying report requirements; authorizing the Office of Program Policy Analysis and Government Accountability to request the Revenue Estimating Conference and the Education Estimating Conference to evaluate its findings and recommendations;

The vote was:

Yeas—28

Mr. President	Diaz de la Portilla	Oelrich
Alexander	Dockery	Peadar
Atwater	Fasano	Posey
Baker	Gaetz	Saunders
Bennett	Garcia	Siplin
Carlton	Haridopolos	Storms
Constantine	Jones	Webster
Crist	King	Wise
Dawson	Lawson	
Dean	Lynn	

Nays—10

Bullard	Joyner	Ring
Deutch	Margolis	Villalobos
Geller	Rich	Wilson
Hill		

Vote after roll call:

Nay—Justice

Senator Lynn moved the following amendment to **Amendment 1** which was adopted:

**Amendment 1C (895154)**—Delete line(s) 283 and 284 and insert:

5. One credit in fine or performing arts, which may include speech and debate, or a practical arts course that incorporates artistic content and techniques of creativity, interpretation, and imagination. Eligible practical arts courses shall be identified through the Course Code Directory.

Senator Gaetz moved the following amendments to **Amendment 1** which were adopted:

**Amendment 1D (873206)(with title amendment)**—Delete line(s) 980-1072 and insert:

Section 21. Subsection (3) of section 1008.34, Florida Statutes, is amended, and subsection (8) is added to that section, to read:

1008.34 School grading system; school report cards; district grade.—

(3) DESIGNATION OF SCHOOL GRADES.—

(a) *Schools receiving a school grade.*—Each school that has students who are tested and included in the school grading system, ~~except an alternative school that receives a school improvement rating pursuant to s. 1008.341,~~ shall receive a school grade, *except as follows:*

1. *A school shall not receive a school grade if the number of its students tested and included in the school grading system are fewer than the minimum sample size necessary, based on accepted professional practice, for statistical reliability and prevention of the unlawful release of personally identifiable student data under s. 1002.22 or 20 U.S.C. s. 1232g; however,*

2. *An alternative school may choose to receive a school grade under this section or in lieu of a school improvement rating under s. 1008.341.*

3. ~~Additionally,~~ A school that serves any combination of students in kindergarten through grade 3 which does not receive a school grade because its students are not tested and included in the school grading system shall receive the school grade designation of a K-3 feeder pattern school identified by the Department of Education and verified by the school district. A school feeder pattern exists if at least 60 percent of the students in the school serving a combination of students in kindergarten through grade 3 are scheduled to be assigned to the graded school. ~~School grades itemized in subsection (2) shall be based on the following:~~

(b) ~~1. (a)~~ **Criteria.**—A school's grade shall be based on a combination of:

a.1. Student achievement scores, including achievement scores for students seeking a special diploma.

b.2. Student learning gains as measured by annual FCAT assessments in grades 3 through 10; learning gains for students seeking a special diploma, as measured by an alternate assessment tool, shall be included not later than the 2009-2010 school year.

c.3. Improvement of the lowest 25th percentile of students in the school in reading, math, or writing on the FCAT, unless these students are exhibiting satisfactory performance.

2. *Beginning with the 2009-2010 school year for schools comprised of high school grades 9, 10, 11, and 12, or grades 10, 11, and 12, 50 percent of the school grade shall be based on a combination of the factors listed in sub-subparagraphs 1.a.-c. and the remaining 50 percent on the following factors:*

a. *The high school graduation rate of the school;*

b. *As valid data becomes available, the performance and participation of the school's students in College Board Advanced Placement courses; International Baccalaureate courses; dual enrollment courses; Advanced International Certificate of Education courses; and achievement of industry certification, as determined by the Agency for Workforce Innovation under s. 1003.492(2) in a career and professional academy, as described in s. 1003.493;*

c. *Postsecondary readiness of the school's students as measured by the SAT, ACT, or the common placement test;*

d. *The high school graduation rate of at-risk students who scored at Level 2 or lower on the 8th grade FCAT Reading and Mathematics examinations;*

e. *As valid data becomes available, the performance of the school's students on statewide standardized end-of-course assessments approved by the Department of Education; and*

f. *The growth or decline in the components listed in sub-subparagraphs a. through e. from year to year.*

~~(c)(b) Student assessment data.~~—Student assessment data used in determining school grades shall include:

1. The aggregate scores of all eligible students enrolled in the school who have been assessed on the FCAT.

2. The aggregate scores of all eligible students enrolled in the school who have been assessed on the FCAT, ~~including Florida Writes~~, and who have scored at or in the lowest 25th percentile of students in the school in reading, math, or writing, unless these students are exhibiting satisfactory performance.

3. Effective with the 2005-2006 school year, the achievement scores and learning gains of eligible students attending alternative schools that provide dropout prevention and academic intervention services pursuant to s. 1003.53. The term “eligible students” in this subparagraph does not include students attending an alternative school who are subject to district school board policies for expulsion for repeated or serious offenses, who are in dropout retrieval programs serving students who have officially been designated as dropouts, or who are in programs operated or contracted by the Department of Juvenile Justice. The student performance data for eligible students identified in this subparagraph shall be included in the calculation of the home school’s grade. ~~As used in For purposes of this section and s. 1008.341, the term “home school” means the school to which the student would be assigned if the student were not was attending when assigned to an alternative school.~~ If an alternative school chooses to be graded ~~under pursuant to~~ this section, student performance data for eligible students identified in this subparagraph shall not be included in the home school’s grade but shall be included only in the calculation of the alternative school’s grade. *A school district that fails to assign the FCAT scores of all students back to their home school or to the alternative school that receives a grade shall forfeit school recognition funds for 1 fiscal year.* School districts must require collaboration between the home school and the alternative school in order to promote student success. *This collaboration must include an annual discussion between the principal of the alternative school and the principal of each student’s home school concerning the most appropriate school assignment of the student.*

4. *Beginning with the 2009-2010 school year for schools comprised of high school grades 9, 10, 11, and 12, or grades 10, 11, and 12, the data listed in subparagraphs 1. through 3. and the following data as the Department of Education determines such data are valid and available:*

a. *The high school graduation rate of the school as calculated by the Department of Education;*

b. *The participation rate of all eligible students enrolled in the school and enrolled in College Board Advanced Placement courses; International Baccalaureate courses; dual enrollment courses; Advanced International Certificate of Education courses; and courses or sequence of courses leading to industry certification, as determined by the Agency for Workforce Innovation under s. 1003.492(2) in a career and professional academy, as described in s. 1003.493;*

c. *The aggregate scores of all eligible students enrolled in the school in College Board Advanced Placement courses, International Baccalaureate courses, and Advanced International Certificate of Education courses;*

d. *Earning of college credit by all eligible students enrolled in the school in dual enrollment programs under s. 1007.271;*

e. *Earning of an industry certification, as determined by the Agency for Workforce Innovation under s. 1003.492(2) in a career and professional academy, as described in s. 1003.493;*

f. *The aggregate scores of all eligible students enrolled in the school in reading, mathematics, and other subjects as measured by the SAT, ACT, and common placement test for postsecondary readiness;*

g. *The high school graduation rate of all eligible at-risk students enrolled in the school who scored at Level 2 or lower on the 8th grade FCAT Reading and Mathematics examinations;*

h. *The performance of the school’s students on statewide standardized end-of-course assessments approved by the Department of Education; and*

i. *The growth or decline in the data components listed in subparagraphs a. through h. from year to year.*

The State Board of Education shall adopt appropriate criteria for each school grade. The criteria must also give added weight to student achievement in reading. Schools designated with a grade of “C,” making satisfactory progress, shall be required to demonstrate that adequate progress has been made by students in the school who are in the lowest 25th percentile in reading, math, or writing on the FCAT, including Florida Writes, unless these students are exhibiting satisfactory performance. *Beginning with the 2009-2010 school year for schools comprised of high school grades 9, 10, 11, and 12, or grades 10, 11, and 12, the criteria for school grades must also give added weight to the graduation rate of all eligible at-risk students, as defined in this paragraph. Beginning in the 2009-2010 school year, in order for a high school to be designated as having a grade of “A,” making excellent progress, the school must demonstrate that at-risk students, as defined in this paragraph, in the school are making adequate progress.*

(8) **RULES.**—*The State Board of Education shall adopt rules under ss. 120.536(1) and 120.54 to administer this section.*

And the title is amended as follows:

Delete line(s) 1401-1410 and insert: 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; providing for a revised high school grading system beginning with the 2009-2010 school year which includes the statewide standardized assessment, graduation rates, performance and participation in certain courses, postsecondary readiness as measured by certain examinations, and the change in these factors from year to year; specifying the data components to be used in determining the revised high school grading system; requiring that the criteria for school grades give added weight to the graduation rate of all eligible at-risk students; authorizing the state board to adopt rules; amending s. 1008.341,

**Amendment 1E (594982)(with title amendment)**—Between line(s) 1295 and 1296 insert:

Section 29. Section 1002.375, Florida Statutes, is created to read:

1002.375 *Alternative credit for high school courses; pilot project.*—

(1) *The Commissioner of Education shall implement a pilot project in up to three school districts beginning in the 2008-2009 school year which allows school districts to award alternative course credit for students enrolled in nationally or state-recognized industry certification programs, as defined by the Agency for Workforce Innovation in accordance with the criteria described in s. 1003.492(2). The Commissioner of Education shall establish criteria for districts that participate in the pilot program. School districts interested in participating in the program must submit a letter of interest by July 15, 2008, to the Commissioner of Education identifying up to five nationally or state-recognized industry certification programs, as defined by the Agency for Workforce Innovation in accordance with the criteria described in s. 1003.492(2), under which the district would like to award alternative credit for the eligible courses identified in subsection (2). The Commissioner of Education shall select up to three participating school districts by July 30, 2008. The Commissioner of Education shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives identifying the number of students choosing to earn alternative credit, the number of students that received alternative credit, and legislative recommendations for expanding the use of alternative credit for core academic courses required for high school graduation. The report shall be submitted by January 1, 2010.*

(2) *For purposes of designing and implementing a successful pilot project, eligible alternative credit courses include Algebra Ia, Algebra Ib, Algebra I, Geometry, and Biology. Alternative credits shall be awarded for courses in which a student is not enrolled, but for which the student may earn academic credit by enrolling in another course or sequence of courses required to earn a nationally or state-recognized industry certificate, as defined by the Agency for Workforce Innovation in accordance*

with the criteria described in s. 1003.492(2), of which the majority of the standards-based content in the course description is consistent with the alternative credit course description approved by the Department of Education.

- (3) An alternative credit course is not subject to:
- (a) The definition of credit under s. 1003.436;
- (b) The time requirements of s. 1011.60(2); or
- (c) The net hours of instruction requirements for purposes of determining full-time equivalency pursuant to s. 1011.61(1)(a)1. under the Florida Education Finance Program.
- (4) The Department of Education may approve a course as an alternative credit course pursuant to this section. In order to earn credit, each participating student must pass an end-of-course assessment that measures proficiency in the Sunshine State Standards addressed by the course. The Department of Education shall approve each end-of-course assessment and the minimum passing score for each assessment. Approved assessments shall be limited to assessments for Algebra 1a, Algebra 1b, Algebra 1, Geometry, and Biology developed by the Florida Virtual School, or end-of-course statewide standardized assessments for these courses which may be adopted or developed by the department. The department shall approve the method of administering end-of-course assessments for alternative credit courses in each participating school district in order to ensure the validity of the assessment results.
- (5) School districts shall report all enrollments and credits awarded for alternative education courses pursuant to this section under procedures prescribed by the Department of Education.
- (6) The Department of Education shall maintain a list of approved assessments and minimum passing scores for each approved course. The approved list must be incorporated into the Course Code Directory. The department shall prescribe the information a district must provide in order to have a course considered for inclusion in the directory listing for the approved courses used in the pilot program. A properly completed request by a district to have a course included in the directory must be approved or denied by the department within 30 days after receipt. When a request is denied, the department must provide the district with its reason for denial in writing within 10 days after the denial.
- (7) The State Board of Education shall adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the pilot program created in this section.

Section 30. Paragraph (c) of subsection (1) of section 1011.61, Florida Statutes, is amended to read:

1011.61 Definitions.—Notwithstanding the provisions of s. 1000.21, the following terms are defined as follows for the purposes of the Florida Education Finance Program:

(1) A “full-time equivalent student” in each program of the district is defined in terms of full-time students and part-time students as follows:

- (c)1. A “full-time equivalent student” is:
- a. A full-time student in any one of the programs listed in s. 1011.62(1)(c); or
- b. A combination of full-time or part-time students in any one of the programs listed in s. 1011.62(1)(c) which is the equivalent of one full-time student based on the following calculations:

(I) A full-time student, except a postsecondary or adult student or a senior high school student enrolled in adult education when such courses are required for high school graduation, in a combination of programs listed in s. 1011.62(1)(c) shall be a fraction of a full-time equivalent membership in each special program equal to the number of net hours per school year for which he or she is a member, divided by the appropriate number of hours set forth in subparagraph (a)1. or subparagraph (a)2. The difference between that fraction or sum of fractions and the maximum value as set forth in subsection (4) for each full-time student is presumed to be the balance of the student’s time not spent in such special education programs and shall be recorded as time in the appropriate basic program.

(II) A prekindergarten handicapped student shall meet the requirements specified for kindergarten students.

(III) A Florida Virtual School full-time equivalent student shall consist of six full credit completions in the programs listed in s. 1011.62(1)(c)1. and 4. Credit completions can be a combination of either full credits or half credits.

(IV) Each successfully completed credit earned under the alternative high school course credit requirements authorized in s. 1002.375, which is not reported as a portion of the 900 net hours of instruction pursuant to subparagraph (1)(a)1., shall be calculated as 1/6 FTE.

2. A student in membership in a program scheduled for more or less than 180 school days is a fraction of a full-time equivalent membership equal to the number of instructional hours in membership divided by the appropriate number of hours set forth in subparagraph (a)1.; however, for the purposes of this subparagraph, membership in programs scheduled for more than 180 days is limited to students enrolled in juvenile justice education programs and the Florida Virtual School.

The department shall determine and implement an equitable method of equivalent funding for experimental schools and for schools operating under emergency conditions, which schools have been approved by the department to operate for less than the minimum school day.

And the title is amended as follows:

On line(s) 1431, after the semicolon (;) insert: creating s. 1002.375, F.S.; establishing a pilot project for awarding high school credit to students enrolled in industry certification programs; requiring the Commissioner of Education to establish criteria for program participation; requiring that a school district submit a letter of interest by a specified date in order to participate in the pilot project; requiring that the Commissioner of Education submit a report to the Governor and the Legislature; providing for specified courses to be included as alternative credit courses; exempting alternative credit courses from certain requirements; authorizing the Department of Education to approve certain courses for credit by examination; requiring the Department of Education to adopt passing minimum scores on approved assessments and maintain a course directory; requiring the State Board of Education to adopt rules; amending s. 1011.61, F.S., relating to definitions for the Florida Education Finance Program; providing for an alternate method of reporting full-time equivalent membership for credit earned in alternative high school credit courses for the pilot project created under s. 1002.375, F.S.;

Senator Gaetz moved the following amendment to **Amendment 1**:

**Amendment 1F (652466)(with title amendment)**—Between line(s) 1295 and 1296 insert:

Section 29. Paragraphs (c) and (d) of subsection (5) of section 24.121, Florida Statutes, are amended to read:

24.121 Allocation of revenues and expenditure of funds for public education.—

(5)

(c) A portion of such net revenues, as determined annually by the Legislature, shall be distributed to each school district and shall be made available to each public school in the district for enhancing school performance through development and implementation of a school improvement plan pursuant to s. 1001.42(18) ~~s. 1001.42(16)~~. A portion of these moneys, as determined annually in the General Appropriations Act, must be allocated to each school in an equal amount for each student enrolled. These moneys may be expended only on programs or projects selected by the school advisory council or by a parent advisory committee created pursuant to this paragraph. If a school does not have a school advisory council, the district advisory council must appoint a parent advisory committee composed of parents of students enrolled in that school, which committee is representative of the ethnic, racial, and economic community served by the school, to advise the school’s principal on the programs or projects to be funded. Neither school district staff nor principals may override the recommendations of the school advisory council or the parent advisory committee. These moneys may not be used for capital improvements or, ~~nor may they be used~~ for any project or program that has a duration of more than 1 year; however, a school

advisory council or parent advisory committee may independently determine that a program or project formerly funded under this paragraph should receive funds in a subsequent year.

(d) No funds shall be released for any purpose from the Educational Enhancement Trust Fund to any school district in which one or more schools do not have an approved school improvement plan pursuant to s. 1001.42(18) ~~s. 1001.42(16)~~ or do not comply with school advisory council membership composition requirements pursuant to s. 1001.452(1). The Commissioner of Education shall withhold disbursements from the trust fund to any school district that fails to adopt the performance-based salary schedule required by s. 1012.22(1).

Section 30. Paragraph (e) of subsection (2) of section 112.3173, Florida Statutes, is amended to read:

112.3173 Felonies involving breach of public trust and other specified offenses by public officers and employees; forfeiture of retirement benefits.—

(2) DEFINITIONS.—As used in this section, unless the context otherwise requires, the term:

(e) “Specified offense” means:

1. The committing, aiding, or abetting of an embezzlement of public funds;
2. The committing, aiding, or abetting of any theft by a public officer or employee from his or her employer;
3. Bribery in connection with the employment of a public officer or employee;
4. Any felony specified in chapter 838, except ss. 838.15 and 838.16;
5. The committing of an impeachable offense; ~~or~~
6. The committing of any felony by a public officer or employee who, willfully and with intent to defraud the public or the public agency for which the public officer or employee acts or in which he or she is employed of the right to receive the faithful performance of his or her duty as a public officer or employee, realizes or obtains, or attempts to realize or obtain, a profit, gain, or advantage for himself or herself or for some other person through the use or attempted use of the power, rights, privileges, duties, or position of his or her public office or employment position; ~~or~~
7. *The committing on or after October 1, 2008, of any felony defined in s. 800.04 against a victim younger than 16 years of age, or any felony defined in chapter 794 against a victim younger than 18 years of age, by a public officer or employee through the use or attempted use of power, rights, privileges, duties, or position of his or her public office or employment position.*

Section 31. Paragraph (i) of subsection (5) of section 121.091, Florida Statutes, is redesignated as paragraph (j), present paragraph (j) is redesignated as paragraph (k) and amended, and a new paragraph (i) is added to that subsection, to read:

121.091 Benefits payable under the system.—Benefits may not be paid under this section unless the member has terminated employment as provided in s. 121.021(39)(a) or begun participation in the Deferred Retirement Option Program as provided in subsection (13), and a proper application has been filed in the manner prescribed by the department. The department may cancel an application for retirement benefits when the member or beneficiary fails to timely provide the information and documents required by this chapter and the department’s rules. The department shall adopt rules establishing procedures for application for retirement benefits and for the cancellation of such application when the required information or documents are not received.

(5) TERMINATION BENEFITS.—A member whose employment is terminated prior to retirement retains membership rights to previously earned member-noncontributory service credit, and to member-contributory service credit, if the member leaves the member contributions on deposit in his or her retirement account. If a terminated member receives a refund of member contributions, such member may reinstate membership rights to the previously earned service credit repre-

ented by the refund by completing 1 year of creditable service and repaying the refunded member contributions, plus interest.

(i) *The division may not pay benefits to any member convicted of a felony committed on or after October 1, 2008, defined in s. 800.04 against a victim younger than 16 years of age, or defined in chapter 794 against a victim younger than 18 years of age, through the use or attempted use of power, rights, privileges, duties, or position of the member’s public office or employment position. However, the division shall return the member’s accumulated contributions, if any, that the member accumulated as of the date of conviction.*

(k)~~(j)~~ Benefits shall not be paid by the division pending final resolution of such charges against a member or beneficiary if the resolution of such charges could require the forfeiture of benefits as provided in paragraph (f), paragraph (g), paragraph (h), ~~or~~ paragraph (i), *or paragraph (j).*

Section 32. Section 794.09, Florida Statutes, is created to read:

794.09 Forfeiture of retirement benefits.—*The retirement benefits of a person convicted of a felony committed on or after October 1, 2008, under this chapter are subject to forfeiture in accordance with s. 112.3173 or s. 121.091 if the person is a public officer or employee when the offense occurs; the person commits the offense through the use or attempted use of power, rights, privileges, duties, or position of the person’s public office or employment position; and the victim is younger than 18 years of age when the offense occurs.*

Section 33. Section 800.05, Florida Statutes, is created to:

800.05 Forfeiture of retirement benefits for a felony defined in s. 800.04.—*The retirement benefits of a person convicted of a felony committed on or after October 1, 2008, defined in s. 800.04 are subject to forfeiture in accordance with s. 112.3173 or s. 121.091 if the person is a public officer or employee when the offense occurs; the person commits the offense through the use or attempted use of power, rights, privileges, duties, or position of the person’s public office or employment position; and the victim is younger than 16 years of age when the offense occurs.*

Section 34. Subsection (4) of section 1001.10, Florida Statutes, is renumbered as subsection (6) and new subsections (4) and (5) are added to that section to read:

1001.10 Commissioner of Education; general powers and duties.—

(4) *The Department of Education shall provide technical assistance to school districts, charter schools, the Florida School for the Deaf and the Blind, and private schools that accept scholarship students under s. 220.187 or s. 1002.39 in the development of policies, procedures, and training related to employment practices and standards of ethical conduct for instructional personnel and school administrators, as defined in s. 1012.01.*

(5) *The Department of Education shall provide authorized staff of school districts, charter schools, the Florida School for the Deaf and the Blind, and private schools that accept scholarship students under s. 220.187 or s. 1002.39 with access to electronic verification of information from the following employment screening tools:*

(a) *The Professional Practices’ Database of Disciplinary Actions Against Educators; and*

(b) *The Department of Education’s Teacher Certification Database.*

*This subsection does not require the department to provide these staff with unlimited access to the databases. However, the department shall provide the staff with access to the data necessary for performing employment history checks of the instructional personnel and school administrators included in the databases.*

Section 35. Subsection (4) of section 1001.32, Florida Statutes, is amended to read:

1001.32 Management, control, operation, administration, and supervision.—The district school system must be managed, controlled, operated, administered, and supervised as follows:

(4) SCHOOL PRINCIPAL OR HEAD OF SCHOOL.—Responsibility for the administration of any school or schools at a given school center,

for the supervision of instruction therein, and for providing leadership in the development or revision and implementation of a school improvement plan required by s. 1001.42(18) pursuant to s. 1001.42(16) shall be delegated to the school principal or head of the school or schools in accordance with rules established by the district school board.

Section 36. Subsections (6) through (23) of section 1001.42, Florida Statutes, are renumbered as subsections (8) through (25), respectively, and new subsections (6) and (7) are added to that section to read:

1001.42 Powers and duties of district school board.—The district school board, acting as a board, shall exercise all powers and perform all duties listed below:

(6) **STANDARDS OF ETHICAL CONDUCT FOR INSTRUCTIONAL PERSONNEL AND SCHOOL ADMINISTRATORS.**—Adopt policies establishing standards of ethical conduct for instructional personnel and school administrators. The policies must require all instructional personnel and school administrators, as defined in s. 1012.01, to complete training on the standards; establish the duty of instructional personnel and school administrators to report, and procedures for reporting, alleged misconduct by other instructional personnel and school administrators which affects the health, safety, or welfare of a student; and include an explanation of the liability protections provided under ss. 39.203 and 768.095. A district school board, or any of its employees, may not enter into a confidentiality agreement regarding terminated or dismissed instructional personnel or school administrators, or personnel or administrators who resign in lieu of termination, based in whole or in part on misconduct that affects the health, safety, or welfare of a student, and may not provide instructional personnel or school administrators with employment references, or discuss the personnel's or administrators' performance with prospective employers in another educational setting, without disclosing the personnel's or administrators' misconduct. Any part of an agreement or contract that has the purpose or effect of concealing misconduct by instructional personnel or school administrators which affects the health, safety, or welfare of a student is void, is contrary to public policy, and may not be enforced.

(7) **DISQUALIFICATION FROM EMPLOYMENT.**—Disqualify instructional personnel and school administrators, as defined in s. 1012.01, from employment in any position that requires direct contact with students, if the personnel or administrators are ineligible for such employment under s. 1012.315. An elected or appointed school board official forfeits his or her salary for 1 year, if:

(a) The school board official knowingly signs and transmits to any state official a report of alleged misconduct by instructional personnel or school administrators which affects the health, safety, or welfare of a student, and the school board official knows the report to be false or incorrect; or

(b) The school board official knowingly fails to adopt policies that require instructional personnel and school administrators to report alleged misconduct by other instructional personnel and school administrators, or that require the investigation of all reports of alleged misconduct by instructional personnel and school administrators, if the misconduct affects the health, safety, or welfare of a student.

Section 37. Paragraphs (a) and (c) of subsection (1) and subsection (2) of section 1001.452, Florida Statutes, are amended to read:

1001.452 District and school advisory councils.—

(1) **ESTABLISHMENT.**—

(a) The district school board shall establish an advisory council for each school in the district and shall develop procedures for the election and appointment of advisory council members. Each school advisory council shall include in its name the words "school advisory council." The school advisory council shall be the sole body responsible for final decisionmaking at the school relating to implementation of ss. 1001.42(18) the provisions of ss. 1001.42(16) and 1008.345. A majority of the members of each school advisory council must be persons who are not employed by the school. Each advisory council shall be composed of the principal and an appropriately balanced number of teachers, education support employees, students, parents, and other business and community citizens who are representative of the ethnic, racial, and economic community served by the school. Career center and high school advisory

councils shall include students, and middle and junior high school advisory councils may include students. School advisory councils of career centers and adult education centers are not required to include parents as members. Council members representing teachers, education support employees, students, and parents shall be elected by their respective peer groups at the school in a fair and equitable manner as follows:

1. Teachers shall be elected by teachers.
2. Education support employees shall be elected by education support employees.
3. Students shall be elected by students.
4. Parents shall be elected by parents.

The district school board shall establish procedures to be used for use by schools in selecting business and community members that include means of ensuring wide notice of vacancies and of taking input on possible members from local business, chambers of commerce, community and civic organizations and groups, and the public at large. The district school board shall review the membership composition of each advisory council. If the district school board determines that the membership elected by the school is not representative of the ethnic, racial, and economic community served by the school, the district school board shall appoint additional members to achieve proper representation. The commissioner shall determine if schools have maximized their efforts to include on their advisory councils minority persons and persons of lower socioeconomic status. Although schools are strongly encouraged to establish school advisory councils, the district school board of any school district that has a student population of 10,000 or fewer may establish a district advisory council which includes shall include at least one duly elected teacher from each school in the district. For the purposes of school advisory councils and district advisory councils, the term "teacher" includes shall include classroom teachers, certified student services personnel, and media specialists. For purposes of this paragraph, "education support employee" means any person employed by a school who is not defined as instructional or administrative personnel pursuant to s. 1012.01 and whose duties require 20 or more hours in each normal working week.

(c) For those schools operating for the purpose of providing educational services to youth in Department of Juvenile Justice programs, district school boards may establish a district advisory council with appropriate representatives for the purpose of developing and monitoring a district school improvement plan that encompasses all such schools in the district, pursuant to s. 1001.42(18)(a) s. 1001.42(16)(a).

(2) **DUTIES.**—Each advisory council shall perform such functions as are prescribed by regulations of the district school board; however, no advisory council shall have any of the powers and duties now reserved by law to the district school board. Each school advisory council shall assist in the preparation and evaluation of the school improvement plan required pursuant to s. 1001.42(18) s. 1001.42(16). With technical assistance from the Department of Education, each school advisory council shall assist in the preparation of the school's annual budget and plan as required by s. 1008.385(1). A portion of funds provided in the annual General Appropriations Act for use by school advisory councils must be used for implementing the school improvement plan.

Section 38. Subsection (12) of section 1001.51, Florida Statutes, is amended to read:

1001.51 Duties and responsibilities of district school superintendent.—The district school superintendent shall exercise all powers and perform all duties listed below and elsewhere in the law, provided that, in so doing, he or she shall advise and counsel with the district school board. The district school superintendent shall perform all tasks necessary to make sound recommendations, nominations, proposals, and reports required by law to be acted upon by the district school board. All such recommendations, nominations, proposals, and reports by the district school superintendent shall be either recorded in the minutes or shall be made in writing, noted in the minutes, and filed in the public records of the district school board. It shall be presumed that, in the absence of the record required in this section, the recommendations, nominations, and proposals required of the district school superintendent were not contrary to the action taken by the district school board in such matters.

(12) RECORDS AND REPORTS.—Recommend such records as should be kept in addition to those prescribed by rules of the State Board of Education; prepare forms for keeping such records as are approved by the district school board; ensure that such records are properly kept; and make all reports that are needed or required, as follows:

(a) Forms, blanks, and reports.—Require that all employees accurately keep all records and promptly make in proper form all reports required by the education code or by rules of the State Board of Education; recommend the keeping of such additional records and the making of such additional reports as may be deemed necessary to provide data essential for the operation of the school system; and prepare such forms and blanks as may be required and ensure that these records and reports are properly prepared.

(b) Reports to the department.—Prepare, for the approval of the district school board, all reports ~~that may be~~ required by law or rules of the State Board of Education to be made to the department and transmit promptly all such reports, when approved, to the department, as required by law. If any ~~such~~ reports are not transmitted at the time and in the manner prescribed by law or by State Board of Education rules, the salary of the district school superintendent must be withheld until the report has been properly submitted. Unless otherwise provided by rules of the State Board of Education, the annual report on attendance and personnel is due on or before July 1, and the annual school budget and the report on finance are due on the date prescribed by the commissioner.

Any district school superintendent who knowingly signs and transmits to any state official a ~~false or incorrect~~ report that the superintendent knows to be false or incorrect; who knowingly fails to investigate any allegation of misconduct by instructional personnel or school administrators, as defined in s. 1012.01, which affects the health, safety, or welfare of a student; or who knowingly fails to report the alleged misconduct to the department as required in s. 1012.796, forfeits ~~shall forfeit~~ his or her ~~right to any salary for the period of 1 year following the from that date of such act or failure to act.~~

Section 39. Subsection (2) of section 1001.54, Florida Statutes, is amended to read:

1001.54 Duties of school principals.—

(2) Each school principal shall provide instructional leadership in the development, revision, and implementation of a school improvement plan pursuant to s. 1001.42(18) ~~s. 1001.42(16)~~.

Section 40. Paragraph (b) of subsection (11) of section 1002.32, Florida Statutes, is amended to read:

1002.32 Developmental research (laboratory) schools.—

(11) EXCEPTIONS TO LAW.—To encourage innovative practices and facilitate the mission of the lab schools, in addition to the exceptions to law specified in s. 1001.23(2), the following exceptions shall be permitted for lab schools:

(b) With the exception of s. 1001.42(18) ~~s. 1001.42(16)~~, s. 1001.42 shall be held in abeyance. Reference to district school boards in s. 1001.42(18) ~~s. 1001.42(16)~~ shall mean the president of the university or the president's designee.

Section 41. Paragraph (g) of subsection (12) of section 1002.33, Florida Statutes, is amended to read:

1002.33 Charter schools.—

(12) EMPLOYEES OF CHARTER SCHOOLS.—

(g)1. A charter school shall employ or contract with employees who have undergone background screening as provided in s. 1012.32. Members of the governing board of the charter school shall also undergo background screening in a manner similar to that provided in s. 1012.32.

2. A charter school shall disqualify instructional personnel and school administrators, as defined in s. 1012.01, from employment in any position that requires direct contact with students, if the personnel or administrators are ineligible for such employment under s. 1012.315.

3. The governing board of a charter school shall adopt policies establishing standards of ethical conduct for instructional personnel and school administrators. The policies must require all instructional personnel and school administrators, as defined in s. 1012.01, to complete training on the standards; establish the duty of instructional personnel and school administrators to report, and procedures for reporting, alleged misconduct by other instructional personnel and school administrators which affects the health, safety, or welfare of a student; and include an explanation of the liability protections provided under ss. 39.203 and 768.095. A charter school, or any of its employees, may not enter into a confidentiality agreement regarding terminated or dismissed instructional personnel or school administrators, or personnel or administrators who resign in lieu of termination, based in whole or in part on misconduct that affects the health, safety, or welfare of a student, and may not provide instructional personnel or school administrators with employment references, or discuss the personnel's or administrators' performance with prospective employers in another educational setting, without disclosing the personnel's or administrators' misconduct. Any part of an agreement or contract that has the purpose or effect of concealing misconduct by instructional personnel or school administrators which affects the health, safety, or welfare of a student is void, is contrary to public policy, and may not be enforced.

4. Before employing instructional personnel or school administrators in any position that requires direct contact with students, a charter school shall conduct employment history checks of each of the personnel's or administrators' previous employer, screen the instructional personnel or school administrators through use of the educator screening tools described in s. 1001.10(5), and document the findings. If unable to contact a previous employer, the charter school must document efforts to contact the employer.

5. The sponsor of a charter school that fails to comply with this paragraph shall terminate the charter under subsection (8).

Section 42. Paragraph (g) is added to subsection (7) of section 1002.36, Florida Statutes, to read:

1002.36 Florida School for the Deaf and the Blind.—

(7) PERSONNEL SCREENING.—

(g) For purposes of protecting the health, safety, or welfare of students, the Florida School for the Deaf and the Blind is considered a school district and must, except as otherwise provided in this section, comply with ss. 1001.03, 1001.42, 1001.51, 1006.061, 1012.27, 1012.315, 1012.32, 1012.33, 1012.56, 1012.795, and 1012.796.

Section 43. Subsections (4), (5), and (6) of section 1002.421, Florida Statutes, are renumbered as subsections (5), (6), and (7), respectively, and a new subsection (4) is added to that section to read:

1002.421 Accountability of private schools participating in state school choice scholarship programs.—

(4) A private school that accepts scholarship students under s. 220.187 or s. 1002.39 must:

(a) Disqualify instructional personnel and school administrators, as defined in s. 1012.01, from employment in any position that requires direct contact with students, if the personnel or administrators are ineligible for such employment under s. 1012.315.

(b) Adopt policies establishing standards of ethical conduct for instructional personnel and school administrators. The policies must require all instructional personnel and school administrators, as defined in s. 1012.01, to complete training on the standards; establish the duty of instructional personnel and school administrators to report, and procedures for reporting, alleged misconduct by other instructional personnel and school administrators which affects the health, safety, or welfare of a student; and include an explanation of the liability protections provided under ss. 39.203 and 768.095. A private school, or any of its employees, may not enter into a confidentiality agreement regarding terminated or dismissed instructional personnel or school administrators, or personnel or administrators who resign in lieu of termination, based in whole or in part on misconduct that affects the health, safety, or welfare of a student, and may not provide the instructional personnel or school administrators with employment references, or discuss the personnel's or

*administrators' performance with prospective employers in another educational setting, without disclosing the personnel's or administrators' misconduct. Any part of an agreement or contract that has the purpose or effect of concealing misconduct by instructional personnel or school administrators which affects the health, safety, or welfare of a student is void, is contrary to public policy, and may not be enforced.*

(c) *Before employing instructional personnel or school administrators in any position that requires direct contact with students, conduct employment history checks of each of the personnel's or administrators' previous employer, screen the personnel or administrators through use of the educator screening tools described in s. 1001.10(5), and document the findings. If unable to contact a previous employer, the private school must document efforts to contact the employer.*

*The department shall suspend the payment of funds under ss. 220.187 and 1002.39 to a private school that fails to comply with this subsection, and shall prohibit the school from enrolling new scholarship students, for 1 fiscal year and until the school complies.*

Section 44. Subsection (2) of section 1003.413, Florida Statutes, is amended to read:

1003.413 Florida Secondary School Redesign Act.—

(2) The following guiding principles for secondary school redesign shall be used in the annual preparation of each secondary school's improvement plan required by s. 1001.42(18) ~~s. 1001.42(16)~~:

(a) Struggling students, especially those in failing schools, need the highest quality teachers and dramatically different, innovative approaches to teaching and learning.

(b) Every teacher must contribute to every student's reading improvement.

(c) Quality professional development provides teachers and principals with the tools they need to better serve students.

(d) Small learning communities allow teachers to personalize instruction to better address student learning styles, strengths, and weaknesses.

(e) Intensive intervention in reading and mathematics must occur early and through innovative delivery systems.

(f) Parents need access to tools they can use to monitor their child's progress in school, communicate with teachers, and act early on behalf of their child.

(g) Applied and integrated courses help students see the relationships between subjects and relevance to their futures.

(h) School is more relevant when students choose courses based on their goals, interests, and talents.

(i) Master schedules should not determine instruction and must be designed based on student needs, not adult or institutional needs.

(j) Academic and career planning engages students in developing a personally meaningful course of study so they can achieve goals they have set for themselves.

Section 45. Paragraph (b) of subsection (2) of section 1003.53, Florida Statutes, is amended to read:

1003.53 Dropout prevention and academic intervention.—

(2)

(b) Each school that establishes a dropout prevention and academic intervention program at that school site shall reflect that program in the school improvement plan as required under s. 1001.42(18) ~~s. 1001.42(16)~~.

Section 46. Subsections (1) and (3) of section 1004.92, Florida Statutes, are amended to read:

1004.92 Purpose and responsibilities for career education.—

(1) The purpose of career education is to enable students who complete career programs to attain and sustain employment and realize economic self-sufficiency. The purpose of this section is to identify issues related to career education for which school boards and community college boards of trustees are accountable. It is the intent of the Legislature that the standards articulated in subsection (2) be considered in the development of accountability standards for public schools pursuant to ss. 1000.03, 1001.42(18) ~~1001.42(16)~~, and 1008.345 and for community colleges pursuant to s. 1008.45.

(3) Each career center operated by a district school board shall establish a center advisory council pursuant to s. 1001.452. The center advisory council shall assist in the preparation and evaluation of center improvement plans required pursuant to s. 1001.42(18) ~~s. 1001.42(16)~~ and may provide assistance, upon the request of the center director, in the preparation of the center's annual budget and plan as required by s. 1008.385(1).

Section 47. Section 1006.061, Florida Statutes, is amended to read:

1006.061 Child abuse, abandonment, and neglect policy.—Each district school board, charter school, and private school that accepts scholarship students under s. 220.187 or s. 1002.39 shall:

(1) Post in a prominent place in each school a notice that, pursuant to chapter 39, all employees and agents of the district school board, charter school, or private school have an affirmative duty to report all actual or suspected cases of child abuse, abandonment, or neglect; have immunity from liability if they report such cases in good faith; and have a duty to comply with child protective investigations and all other provisions of law relating to child abuse, abandonment, and neglect. The notice shall also include the statewide toll-free telephone number of the central abuse hotline.

(2) *Post in a prominent place at each school site and on each school's Internet website, if available, the policies and procedures for reporting alleged misconduct by instructional personnel or school administrators which affects the health, safety, or welfare of a student; the contact person to whom the report is made; and the penalties imposed on instructional personnel or school administrators who fail to report suspected or actual child abuse or alleged misconduct by other instructional personnel or school administrators.*

(3)(2) *Require the principal of the charter school or private school, or the district school superintendent, or the superintendent's designee, at the request of the Department of Children and Family Services, to act as a liaison to the Department of Children and Family Services and the child protection team, as defined in s. 39.01, when in a case of suspected child abuse, abandonment, or neglect or an unlawful sexual offense involving a child the case is referred to such a team; except that this does not relieve or restrict the Department of Children and Family Services from discharging its duty and responsibility under the law to investigate and report every suspected or actual case of child abuse, abandonment, or neglect or unlawful sexual offense involving a child.*

*The Department of Education shall develop, and publish on the department's Internet website, sample notices suitable for posting in accordance with subsections (1) and (2).*

Section 48. Subsection (4) of section 1008.33, Florida Statutes, is amended to read:

1008.33 Authority to enforce public school improvement.—It is the intent of the Legislature that all public schools be held accountable for students performing at acceptable levels. A system of school improvement and accountability that assesses student performance by school, identifies schools in which students are not making adequate progress toward state standards, institutes appropriate measures for enforcing improvement, and provides rewards and sanctions based on performance shall be the responsibility of the State Board of Education.

(4) The State Board of Education may require the Department of Education or Chief Financial Officer to withhold any transfer of state funds to the school district if, within the timeframe specified in state board action, the school district has failed to comply with the action ordered to improve the district's low-performing schools. Withholding the transfer of funds shall occur only after all other recommended actions for school improvement have failed to improve performance. The State Board of Education may impose the same penalty on any district

school board that fails to develop and implement a plan for assistance and intervention for low-performing schools as specified in s. 1001.42(18)(c) ~~s. 1001.42(16)(e)~~.

Section 49. Paragraph (c) of subsection (6) of section 1008.345, Florida Statutes, is amended to read:

1008.345 Implementation of state system of school improvement and education accountability.—

(6)

(c) Pursuant to s. 24.121(5)(d), the department shall not release funds from the Educational Enhancement Trust Fund to any district in which a school, including schools operating for the purpose of providing educational services to youth in Department of Juvenile Justice programs, does not have an approved school improvement plan, pursuant to s. 1001.42(18) ~~s. 1001.42(16)~~, after 1 full school year of planning and development, or does not comply with school advisory council membership composition requirements pursuant to s. 1001.452. The department shall send a technical assistance team to each school without an approved plan to develop such school improvement plan or to each school without appropriate school advisory council membership composition to develop a strategy for corrective action. The department shall release the funds upon approval of the plan or upon establishment of a plan of corrective action. Notice shall be given to the public of the department's intervention and shall identify each school without a plan or without appropriate school advisory council membership composition.

Section 50. Subsection (5) of section 1010.215, Florida Statutes, is amended to read:

1010.215 Educational funding accountability.—

(5) The annual school public accountability report required by ss. 1001.42(18) ~~1001.42(16)~~ and 1008.345 must include a school financial report. The purpose of the school financial report is to better inform parents and the public concerning how funds were spent to operate the school during the prior fiscal year. Each school's financial report must follow a uniform, districtwide format that is easy to read and understand.

(a) Total revenue must be reported at the school, district, and state levels. The revenue sources that must be addressed are state and local funds, other than lottery funds; lottery funds; federal funds; and private donations.

(b) Expenditures must be reported as the total expenditures per unweighted full-time equivalent student at the school level and the average expenditures per full-time equivalent student at the district and state levels in each of the following categories and subcategories:

1. Teachers, excluding substitute teachers, and education paraprofessionals who provide direct classroom instruction to students enrolled in programs classified by s. 1011.62 as:

- a. Basic programs;
- b. Students-at-risk programs;
- c. Special programs for exceptional students;
- d. Career education programs; and
- e. Adult programs.

2. Substitute teachers.

3. Other instructional personnel, including school-based instructional specialists and their assistants.

4. Contracted instructional services, including training for instructional staff and other contracted instructional services.

5. School administration, including school-based administrative personnel and school-based education support personnel.

6. The following materials, supplies, and operating capital outlay:

- a. Textbooks;

- b. Computer hardware and software;
  - c. Other instructional materials;
  - d. Other materials and supplies; and
  - e. Library media materials.
7. Food services.
8. Other support services.
9. Operation and maintenance of the school plant.

(c) The school financial report must also identify the types of district-level expenditures that support the school's operations. The total amount of these district-level expenditures must be reported and expressed as total expenditures per full-time equivalent student.

Section 51. Paragraph (b) of subsection (6) of section 1011.18, Florida Statutes, is amended to read:

1011.18 School depositories; payments into and withdrawals from depositories.—

(6) EXEMPTION FOR SELF-INSURANCE PROGRAMS AND THIRD-PARTY ADMINISTERED EMPLOYEES' FRINGE BENEFIT PROGRAMS.—

(b) The district school board may contract with an insurance company or professional administrator who holds a valid certificate of authority issued by the Office of Insurance Regulation of the Financial Services Commission to provide any ~~or all~~ services that a third-party administrator is authorized by law to perform. Pursuant to such contract, the district school board may advance or remit money to the administrator to be deposited in a designated special checking account for paying claims against the district school board under its self-insurance programs, and remitting premiums to the providers of insured benefits on behalf of the district school board and the participants in such programs, and otherwise fulfilling the obligations imposed upon the administrator by law and the contractual agreements between the district school board and the administrator. The special checking account shall be maintained in a designated district school depository. The district school board may replenish such account as often as necessary upon the presentation by the service organization of documentation for claims or premiums due paid equal to the amount of the requested reimbursement. Such replenishment shall be made by a warrant signed by the chair of the district school board and countersigned by the district school superintendent. Such replenishment may be made by electronic, telephonic, or other medium, and each transfer shall be confirmed in writing and signed by the district school superintendent or his or her designee. The provisions of strict accountability of all funds and an annual audit by an independent certified public accountant as provided in s. 1001.42(12)(k) ~~s. 1001.42(10)(k)~~ shall apply to this subsection.

Section 52. Subsection (6) of section 1012.27, Florida Statutes, is renumbered as subsection (7), and a new subsection (6) is added to that section to read:

1012.27 Public school personnel; powers and duties of district school superintendent.—The district school superintendent is responsible for directing the work of the personnel, subject to the requirements of this chapter, and in addition the district school superintendent shall perform the following:

(6) EMPLOYMENT HISTORY CHECKS.—*Before employing instructional personnel and school administrators, as defined in s. 1012.01, in any position that requires direct contact with students, conduct employment history checks of each of the personnel's or administrators' previous employer, screen the personnel or administrators through use of the educator screening tools described in s. 1001.10(5), and document the findings. If unable to contact a previous employer, the district school superintendent shall document efforts to contact the employer.*

Section 53. Section 1012.315, Florida Statutes, is created to read:

1012.315 Disqualification from employment.—*A person is ineligible for educator certification, and instructional personnel and school administrators, as defined in s. 1012.01, are ineligible for employment in any*

position that requires direct contact with students in a district school system, charter school, or private school that accepts scholarship students under s. 220.187 or s. 1002.39, if the person, instructional personnel, or school administrators, have been convicted of any offense prohibited under any of the following statutes:

(1) Section 393.135, relating to sexual misconduct with certain developmentally disabled clients and reporting of such sexual misconduct.

(2) Section 394.4593, relating to sexual misconduct with certain mental health patients and reporting of such sexual misconduct.

(3) Section 415.111, relating to adult abuse, neglect, or exploitation of aged persons or disabled adults.

(4) Section 782.04, relating to murder.

(5) Section 782.07, relating to manslaughter, aggravated manslaughter of an elderly person or disabled adult, aggravated manslaughter of a child, or aggravated manslaughter of an officer, a firefighter, an emergency medical technician, or a paramedic.

(6) Section 782.09, relating to killing of an unborn quick child by injury to the mother.

(7) Section 784.011, relating to assault, if the victim of the offense was a minor.

(8) Section 784.021, relating to aggravated assault.

(9) Section 784.03, relating to battery, if the victim of the offense was a minor.

(10) Section 784.045, relating to aggravated battery.

(11) Section 784.075, relating to battery on a detention or commitment facility staff.

(12) Section 787.01, relating to kidnapping.

(13) Section 787.02, relating to false imprisonment.

(14) Section 787.025, relating to luring or enticing a child.

(15) Section 787.04(2), relating to leading, taking, enticing, or removing a minor beyond the state limits, or concealing the location of a minor, with criminal intent pending custody proceedings.

(16) Section 787.04(3), relating to leading, taking, enticing, or removing a minor beyond the state limits, or concealing the location of a minor, with criminal intent pending dependency proceedings or proceedings concerning alleged abuse or neglect of a minor.

(17) Section 790.115(1), relating to exhibiting firearms or weapons within 1,000 feet of a school.

(18) Section 790.115(2)(b), relating to possessing an electric weapon or device, destructive device, or other weapon on school property.

(19) Section 794.011, relating to sexual battery.

(20) Former section 794.041, relating to prohibited act of familial or custodial authority.

(21) Section 794.05, relating to unlawful sexual activity with certain minors.

(22) Section 794.08, relating to female genital mutilation.

(23) Chapter 796, relating to prostitution.

(24) Chapter 800, relating to lewdness and indecent exposure.

(25) Section 806.01, relating to arson.

(26) Section 810.14, relating to voyeurism.

(27) Section 810.145, relating to video voyeurism.

(28) Section 812.014(6), relating to coordinating the commission of theft in excess of \$3,000.

(29) Section 812.0145, relating to theft from persons 65 years of age or older.

(30) Section 812.019, relating to dealing in stolen property.

(31) Section 812.13, relating to robbery.

(32) Section 812.131, relating to robbery by sudden snatching.

(33) Section 812.133, relating to carjacking.

(34) Section 812.135, relating to home-invasion robbery.

(35) Section 817.563, relating to fraudulent sale of controlled substances, if the offense was a felony.

(36) Section 825.102, relating to abuse, aggravated abuse, or neglect of an elderly person or disabled adult.

(37) Section 825.103, relating to exploitation of an elderly person or disabled adult.

(38) Section 825.1025, relating to lewd or lascivious offenses committed upon or in the presence of an elderly person or disabled person.

(39) Section 826.04, relating to incest.

(40) Section 827.03, relating to child abuse, aggravated child abuse, or neglect of a child.

(41) Section 827.04, relating to contributing to the delinquency or dependency of a child.

(42) Section 827.071, relating to sexual performance by a child.

(43) Section 843.01, relating to resisting arrest with violence.

(44) Section 843.025, relating to depriving a law enforcement, correctional, or correctional probation officer means of protection and communication.

(45) Chapter 847, relating to obscenity.

(46) Section 874.05(1), relating to encouraging or recruiting another to join a criminal gang.

(47) Chapter 893, relating to drug abuse prevention and control, if the offense was a felony of the second degree or greater severity.

(48) Section 916.1075, relating to sexual misconduct with certain forensic clients and reporting of such sexual misconduct.

(49) Section 944.35(3), relating to inflicting cruel or inhuman treatment on an inmate resulting in great bodily harm, if the offense was a felony.

(50) Section 944.47, relating to introduction of contraband into a correctional facility.

(51) Section 985.701, relating to sexual misconduct in juvenile justice programs.

(52) Section 985.711, relating to contraband introduced into detention facilities.

(53) Any criminal act committed in another state or under federal law which, if committed in this state, constitutes an offense prohibited under any statute listed in subsections (1)-(52).

(54) Any delinquent act committed in this state or any delinquent or criminal act committed in another state or under federal law which, if committed in this state, qualifies an individual for inclusion on the Registered Juvenile Sex Offender List under s. 943.0435(1)(a)1.d.

Section 54. Subsections (1) and (2) and paragraph (c) of subsection (3) of section 1012.32, Florida Statutes, are amended to read:

1012.32 Qualifications of personnel.—

(1) To be eligible for appointment in any position in any district school system, a person *must shall* be of good moral character; *must shall*

have attained the age of 18 years, if he or she is to be employed in an instructional capacity; *must not be ineligible for such employment under s. 1012.315*; and *must shall*, when required by law, hold a certificate or license issued under rules of the State Board of Education or the Department of Children and Family Services, except when employed pursuant to s. 1012.55 or under the emergency provisions of s. 1012.24. Previous residence in this state shall not be required in any school of the state as a prerequisite for any person holding a valid Florida certificate or license to serve in an instructional capacity.

(2)(a) Instructional and noninstructional personnel who are hired or contracted to fill positions *that require requiring* direct contact with students in any district school system or university lab school *must shall*, upon employment or engagement to provide services, undergo background screening as required under s. 1012.465 or s. 1012.56, whichever is applicable.

(b) Instructional and noninstructional personnel who are hired or contracted to fill positions in any charter school and members of the governing board of any charter school, in compliance with s. 1002.33(12)(g), *must shall*, upon employment, engagement of services, or appointment, undergo background screening as required under s. 1012.465 or s. 1012.56, whichever is applicable, by filing with the district school board for the school district in which the charter school is located a complete set of fingerprints taken by an authorized law enforcement agency or an employee of the school or school district who is trained to take fingerprints.

(c) Instructional and noninstructional personnel who are hired or contracted to fill positions *that require requiring* direct contact with students in an alternative school that operates under contract with a district school system *must shall*, upon employment or engagement to provide services, undergo background screening as required under s. 1012.465 or s. 1012.56, whichever is applicable, by filing with the district school board for the school district to which the alternative school is under contract a complete set of fingerprints taken by an authorized law enforcement agency or an employee of the school or school district who is trained to take fingerprints.

(d) Student teachers, persons participating in a field experience pursuant to s. 1004.04(6) or s. 1004.85, and persons participating in a short-term experience as a teacher assistant pursuant to s. 1004.04(10) in any district school system, lab school, or charter school *must shall*, upon engagement to provide services, undergo background screening as required under s. 1012.56.

Fingerprints shall be submitted to the Department of Law Enforcement for state *criminal records checks processing* and to the Federal Bureau of Investigation for *national criminal records checks federal processing*. A person ~~Persons~~ subject to this subsection *who is found ineligible for employment under s. 1012.315, or otherwise found through background screening fingerprint processing* to have been convicted of any crime involving moral turpitude *as defined by rule of the State Board of Education*, shall not be employed, engaged to provide services, or serve in any position *that requires requiring* direct contact with students. Probationary persons subject to this subsection terminated because of their criminal record have the right to appeal such decisions. The cost of the background screening may be borne by the district school board, the charter school, the employee, the contractor, or a person subject to this subsection.

(3)

(c) Personnel whose fingerprints are not retained by the Department of Law Enforcement under paragraphs (a) and (b) ~~must are required to~~ be refingerprinted and *rescreened in accordance with subsection (2) must meet level 2 screening requirements as described in this section* upon reemployment or reengagement to provide services in order to comply with the requirements of this subsection.

Section 55. Paragraph (a) of subsection (1), paragraph (c) of subsection (4), and paragraph (b) of subsection (6) of section 1012.33, Florida Statutes, are amended to read:

1012.33 Contracts with instructional staff, supervisors, and school principals.—

(1)(a) Each person employed as a member of the instructional staff in any district school system shall be properly certified pursuant to s.

1012.56 or s. 1012.57 or employed pursuant to s. 1012.39 and shall be entitled to and shall receive a written contract as specified in this section. All such contracts, except continuing contracts as specified in subsection (4), shall contain provisions for dismissal during the term of the contract only for just cause. Just cause includes, but is not limited to, the following instances, as defined by rule of the State Board of Education: *immorality, misconduct in office, incompetency, gross insubordination, willful neglect of duty, or being convicted or found guilty of, or entering a plea of guilty to, regardless of adjudication of guilt, any or conviction of a crime involving moral turpitude.*

(4)

(c) Any member of the district administrative or supervisory staff and any member of the instructional staff, including any school principal, who is under continuing contract may be suspended or dismissed at any time during the school year; however, the charges against him or her must be based on immorality, misconduct in office, incompetency, gross insubordination, willful neglect of duty, drunkenness, or *being convicted or found guilty of, or entering a plea of guilty to, regardless of adjudication of guilt, any conviction of a crime involving moral turpitude*, as these terms are defined by rule of the State Board of Education. Whenever such charges are made against ~~an any such~~ employee of the district school board, the district school board may suspend such person without pay; but, if the charges are not sustained, he or she shall be immediately reinstated, and his or her back salary shall be paid. In cases of suspension by the district school board or by the district school superintendent, the district school board shall determine upon the evidence submitted whether the charges have been sustained and, if the charges are sustained, shall determine either to dismiss the employee or fix the terms under which he or she may be reinstated. If such charges are sustained by a majority vote of the full membership of the district school board and *the such* employee is discharged, his or her contract of employment shall be ~~thereby~~ canceled. Any ~~such~~ decision adverse to the employee may be appealed by the employee pursuant to s. 120.68, provided *the such* appeal is filed within 30 days after the decision of the district school board.

(6)

(b) Any member of the district administrative or supervisory staff, including any principal but excluding an employee specified in subsection (4), may be suspended or dismissed at any time during the term of the contract; however, the charges against him or her must be based on immorality, misconduct in office, incompetency, gross insubordination, willful neglect of duty, drunkenness, or *being convicted or found guilty of, or entering a plea of guilty, regardless of adjudication of guilt, conviction of any crime involving moral turpitude*, as these terms are defined by rule of the State Board of Education. Whenever such charges are made against ~~an any such~~ employee of the district school board, the district school board may suspend the employee without pay; but, if the charges are not sustained, he or she shall be immediately reinstated, and his or her back salary shall be paid. In cases of suspension by the district school board or by the district school superintendent, the district school board shall determine upon the evidence submitted whether the charges have been sustained and, if the charges are sustained, shall determine either to dismiss the employee or fix the terms under which he or she may be reinstated. If such charges are sustained by a majority vote of the full membership of the district school board and *the such* employee is discharged, his or her contract of employment shall be ~~thereby~~ canceled. Any ~~such~~ decision adverse to the employee may be appealed by him or her pursuant to s. 120.68, provided such appeal is filed within 30 days after the decision of the district school board.

Section 56. Subsection (4) of section 1012.34, Florida Statutes, is amended to read:

1012.34 Assessment procedures and criteria.—

(4) The district school superintendent shall notify the department of any instructional personnel who receive two consecutive unsatisfactory evaluations and who have been given written notice by the district that their employment is being terminated or is not being renewed or that the district school board intends to terminate, or not renew, their employment. The department shall conduct an investigation to determine whether action shall be taken against the certificateholder pursuant to s. 1012.795(1)(c) ~~s. 1012.795(1)(b)~~.

Section 57. Subsections (9) and (14) of section 1012.56, Florida Statutes, are amended to read:

## 1012.56 Educator certification requirements.—

## (9) BACKGROUND SCREENING REQUIRED, INITIALLY AND PERIODICALLY.—

(a) Each person who seeks certification under this chapter must be fingerprinted and screened meet level 2 screening requirements as described in accordance with s. 1012.32 and must not be ineligible for such certification under s. 1012.315. A person who has been screened in accordance with s. 1012.32 unless a level 2 screening has been conducted by a district school board or the Department of Education within 12 months before the date the person initially obtains certification under this chapter, the results of which are submitted to the district school board or to the Department of Education, is not required to repeat the screening under this paragraph.

(b) A person may not receive a certificate under this chapter until the person's level 2 screening under s. 1012.32 is has been completed and the results have been submitted to the Department of Education or to the district school superintendent of the school district that employs the person. Every 5 years after obtaining initial certification, each person who is required to be certified under this chapter must be rescreened meet level 2 screening requirements as described in accordance with s. 1012.32, at which time the school district shall request the Department of Law Enforcement to forward the fingerprints to the Federal Bureau of Investigation for national criminal records checks the level 2 screening. If, for any reason after obtaining initial certification, the fingerprints of a person who is required to be certified under this chapter are not retained by the Department of Law Enforcement under s. 1012.32(3)(a) and (b), the person must file a complete set of fingerprints with the district school superintendent of the employing school district. Upon submission of fingerprints for this purpose, the school district shall request the Department of Law Enforcement to forward the fingerprints to the Federal Bureau of Investigation for national criminal records checks the level 2 screening, and the fingerprints shall be retained by the Department of Law Enforcement under s. 1012.32(3)(a) and (b). The cost of the state and national federal criminal history checks check required by paragraph (a) and this paragraph level 2 screening may be borne by the district school board or the employee. Under penalty of perjury, each person who is certified under this chapter must agree to inform his or her employer within 48 hours if convicted of any disqualifying offense while he or she is employed in a position for which such certification is required.

(c) If it is found under s. 1012.796 that a person who is employed in a position requiring certification under this chapter has does not been screened in accordance with s. 1012.32, or is ineligible for such certification under s. 1012.315 meet the level 2 screening requirements, the person's certification shall be immediately revoked or suspended and he or she shall be immediately suspended from the position requiring certification.

(14) PERSONNEL RECORDS.—The Department of Education shall maintain an electronic database that includes, but need not be limited to, a complete statement of the academic preparation, professional training, and teaching experience of each person to whom a certificate is issued. The applicant or the district school superintendent shall furnish the information using a format or forms provided by the department.

Section 58. Subsection (1) and paragraph (a) of subsection (8) of section 1012.79, Florida Statutes, are amended to read:

## 1012.79 Education Practices Commission; organization.—

(1) The Education Practices Commission consists of 25 17 members, including 8 7 teachers; 5 administrators, at least one of whom shall represent a private school; 7 and 5 lay citizens, 5 (of whom shall be parents of public school students and who are unrelated to public school employees and 2 of whom shall be former district school board members); and 5 sworn law enforcement officials, appointed by the State Board of Education from nominations by the Commissioner of Education and subject to Senate confirmation. Prior to making nominations, the commissioner shall consult with the teaching associations, parent organizations, law enforcement agencies, and other involved associations in the state. In making nominations, the commissioner shall attempt to achieve equal geographical representation, as closely as possible.

(a) A teacher member, in order to be qualified for appointment:

1. Must be certified to teach in the state.
2. Must be a resident of the state.
3. Must have practiced the profession in this state for at least 5 years immediately preceding the appointment.

(b) A school administrator member, in order to be qualified for appointment:

1. Must have an endorsement on the educator certificate in the area of school administration or supervision.
2. Must be a resident of the state.
3. Must have practiced the profession as an administrator for at least 5 years immediately preceding the appointment.

(c) The lay members must be residents of the state.

(d) The law enforcement official members must have served in the profession for at least 5 years immediately preceding appointment and have background expertise in child safety.

(8)(a) The commission shall, from time to time, designate members of the commission to serve on panels for the purpose of reviewing and issuing final orders upon cases presented to the commission. A case concerning a complaint against a teacher shall be reviewed and a final order thereon shall be entered by a panel composed of five commission members, at least one of whom must be a parent or a sworn law enforcement officer and at least three of whom must shall be teachers. A case concerning a complaint against an administrator shall be reviewed and a final order thereon shall be entered by a panel composed of five commission members, at least one of whom must be a parent or a sworn law enforcement officer and at least three of whom must shall be administrators.

Section 59. Subsection (1) of section 1012.795, Florida Statutes, is amended to read:

## 1012.795 Education Practices Commission; authority to discipline.—

(1) The Education Practices Commission may suspend the educator certificate of any person as defined in s. 1012.01(2) or (3) for a period of time not to exceed 5 years, thereby denying that person the right to teach or otherwise be employed by a district school board or public school in any capacity requiring direct contact with students for that period of time, after which the holder may return to teaching as provided in subsection (4); may revoke the educator certificate of any person, thereby denying that person the right to teach or otherwise be employed by a district school board or public school in any capacity requiring direct contact with students for a period of time not to exceed 10 years, with reinstatement subject to the provisions of subsection (4); may revoke permanently the educator certificate of any person thereby denying that person the right to teach or otherwise be employed by a district school board or public school in any capacity requiring direct contact with students; may suspend the educator certificate, upon order of the court, of any person found to have a delinquent child support obligation; or may impose any other penalty provided by law, if provided it can be shown that the person:

(a) Obtained or attempted to obtain an educator certificate by fraudulent means.

(b) Knowingly failed to report actual or suspected child abuse as required in s. 1006.061 or report alleged misconduct by instructional personnel or school administrators which affects the health, safety, or welfare of a student as required in s. 1012.796.

(c)(b) Has proved to be incompetent to teach or to perform duties as an employee of the public school system or to teach in or to operate a private school.

(d)(e) Has been guilty of gross immorality or an act involving moral turpitude as defined by rule of the State Board of Education.

(e)(d) Has had an educator certificate sanctioned by revocation, suspension, or surrender in another state.

(f)(e) Has been convicted or found guilty of, or entered a plea of guilty to, regardless of adjudication of guilt, a misdemeanor, felony, or any other criminal charge, other than a minor traffic violation.

(g)(f) Upon investigation, has been found guilty of personal conduct which seriously reduces that person's effectiveness as an employee of the district school board.

(h)(g) Has breached a contract, as provided in s. 1012.33(2).

(i)(h) Has been the subject of a court order directing the Education Practices Commission to suspend the certificate as a result of a delinquent child support obligation.

(j)(i) Has violated the Principles of Professional Conduct for the Education Profession prescribed by State Board of Education rules.

(k)(j) Has otherwise violated the provisions of law, the penalty for which is the revocation of the educator certificate.

(l)(k) Has violated any order of the Education Practices Commission.

(m)(l) Has been the subject of a court order or plea agreement in any jurisdiction which requires the certificateholder to surrender or otherwise relinquish his or her educator's certificate. A surrender or relinquishment shall be for permanent revocation of the certificate. A person may not surrender or otherwise relinquish his or her certificate prior to a finding of probable cause by the commissioner as provided in s. 1012.796.

(n) Has been disqualified from educator certification under s. 1012.315.

Section 60. Subsections (1), (3), and (5) of section 1012.796, Florida Statutes, are amended to read:

1012.796 Complaints against teachers and administrators; procedure; penalties.—

(1)(a) The Department of Education shall cause to be investigated expeditiously any complaint filed before it or otherwise called to its attention which, if legally sufficient, contains grounds for the revocation or suspension of a certificate or any other appropriate penalty as set forth in subsection (7). The complaint is legally sufficient if it contains the ultimate facts which show a violation has occurred as provided in s. 1012.795 and defined by rule of the State Board of Education. The department shall may investigate or continue to investigate and take appropriate action on a complaint even though the original complainant withdraws the complaint or otherwise indicates a desire not to cause it to be investigated or prosecuted to completion. The department may investigate or continue to investigate and take action on a complaint filed against a person whose educator certificate has expired if the act or acts that which are the basis for the complaint were allegedly committed while that person possessed an educator certificate.

(b) The department shall immediately investigate any legally sufficient complaint that involves misconduct by any certificated personnel which affects the health, safety, or welfare of a student, giving the complaint priority over other pending complaints. The department must investigate or continue to investigate and take action on such a complaint filed against a person whose educator certificate has expired if the act or acts that are the basis for the complaint were allegedly committed while that person possessed an educator certificate.

(c)(b) When an investigation is undertaken, the department shall notify the certificateholder or applicant for certification and the district school superintendent or the university laboratory school, charter school, or private school in which the certificateholder or applicant for certification is employed or was employed at the time the alleged offense occurred. In addition, the department shall inform the certificateholder or applicant for certification of the substance of any complaint which has been filed against that certificateholder or applicant, unless the department determines that such notification would be detrimental to the investigation, in which case the department may withhold notification.

(d)(c) Each school district shall file in writing with the department all legally sufficient complaints within 30 days after the date on which subject matter of the complaint comes to the attention of the school district. A complaint is legally sufficient if it contains ultimate facts that

show a violation has occurred as provided in s. 1012.795 and defined by rule of the State Board of Education. The school district shall include all information relating to the complaint which is known to the school district at the time of filing. Each district school board shall develop and adopt policies and procedures to comply with this reporting requirement. School board policies and procedures must include standards for screening, hiring, and terminating instructional personnel and school administrators, as defined in s. 1012.01; standards of ethical conduct for instructional personnel and school administrators; the duties of instructional personnel and school administrators for upholding the standards; detailed procedures for reporting alleged misconduct by instructional personnel and school administrators which affects the health, safety, or welfare of a student; requirements for the reassignment of instructional personnel or school administrators pending the outcome of a misconduct investigation; and penalties for failing to comply with s. 1001.51 or s. 1012.795. The district school board policies and procedures shall include appropriate penalties for all personnel of the district school board for nonreporting and procedures for promptly informing the district school superintendent of each legally sufficient complaint. The district school superintendent is charged with knowledge of these policies and procedures and is accountable for the training of all instructional personnel and school administrators of the school district on the standards of ethical conduct, policies, and procedures. If the district school superintendent has knowledge of a legally sufficient complaint and does not report the complaint, or fails to enforce the policies and procedures of the district school board, and fails to comply with the requirements of this subsection, in addition to other actions against certificateholders authorized by law, the district school superintendent is shall be subject to penalties as specified in s. 1001.51(12). If the superintendent determines that misconduct by instructional personnel or school administrators who hold an educator certificate affects the health, safety, or welfare of a student, and the misconduct warrants termination, the instructional personnel or school administrators may resign or be terminated, and the superintendent must report the misconduct to the department in the format prescribed by the department. The department shall maintain each report of misconduct as a public record in the instructional personnel's or school administrators' certification files. This paragraph does not limit or restrict the power and duty of the department to investigate complaints as provided in paragraphs (a) and (b), regardless of the school district's untimely filing, or failure to file, complaints and followup reports.

(e) If allegations arise against an employee who is certified under s. 1012.56, and employed in an educator-certificated position in any school or by any provider in the state, such school or provider, or governing body thereof, shall file in writing with the department a legally sufficient complaint within 30 days after the date on which the subject matter of the complaint came to the attention of the school or provider. A complaint is legally sufficient if it contains ultimate facts that show a violation has occurred as provided in s. 1012.795 and defined by rule of the State Board of Education. The school or provider shall include all known information relating to the complaint with the filing of the complaint. This paragraph does not limit or restrict the power and duty of the department to investigate complaints, regardless of the school's or the provider's untimely filing, or failure to file, complaints and followup reports.

(f)(d) Notwithstanding any other law, all law enforcement agencies, state attorneys, social service agencies, district school boards, and the Division of Administrative Hearings shall fully cooperate with and, upon request, shall provide unredacted documents to the Department of Education to further investigations and prosecutions conducted pursuant to this section. Any document received pursuant to this paragraph may not be redisclosed except as authorized by law.

(3) The department staff shall advise the commissioner concerning the findings of the investigation. The department general counsel or members of that staff shall review the investigation and advise the commissioner concerning probable cause or lack thereof. The determination of probable cause shall be made by the commissioner. The commissioner shall provide an opportunity for a conference, if requested, prior to determining probable cause. The commissioner may enter into deferred prosecution agreements in lieu of finding probable cause if, when in his or her judgment, such agreements are would be in the best interests of the department, the certificateholder, and the public. Such deferred prosecution agreements shall become effective when filed with the clerk of the Education Practices Commission. However, a deferred prosecution agreement shall not be entered into if where there is probable

cause to believe that a felony or an act of moral turpitude, *as defined by rule of the State Board of Education*, has occurred. Upon finding no probable cause, the commissioner shall dismiss the complaint.

(5) When an allegation of misconduct by instructional personnel or school administrators, as defined in s. 1012.01, is received, if the alleged misconduct affects ~~deemed necessary to protect~~ the health, safety, or ~~and~~ welfare of a ~~minor~~ student, the district school superintendent in consultation with the school principal, ~~or may, and~~ upon the request of the Commissioner of Education, ~~must immediately shall, temporarily~~ suspend the instructional personnel or school administrators ~~a certificate holder from the certificate holder's~~ regularly assigned duties, with pay, and reassign the suspended personnel or administrators ~~certificate holder to positions a position that do does~~ not require direct contact with students in the district school system. Such suspension shall continue until the completion of the proceedings and the determination of sanctions, if any, pursuant to this section and s. 1012.795.

Section 61. Paragraph (b) of subsection (4) of section 1012.98, Florida Statutes, is amended to read:

1012.98 School Community Professional Development Act.—

(4) The Department of Education, school districts, schools, community colleges, and state universities share the responsibilities described in this section. These responsibilities include the following:

(b) Each school district shall develop a professional development system as specified in subsection (3). The system shall be developed in consultation with teachers, teacher-educators of community colleges and state universities, business and community representatives, and local education foundations, consortia, and professional organizations. The professional development system must:

1. Be approved by the department. All substantial revisions to the system shall be submitted to the department for review for continued approval.

2. Be based on analyses of student achievement data and instructional strategies and methods that support rigorous, relevant, and challenging curricula for all students. Schools and districts, in developing and refining the professional development system, shall also review and monitor school discipline data; school environment surveys; assessments of parental satisfaction; performance appraisal data of teachers, managers, and administrative personnel; and other performance indicators to identify school and student needs that can be met by improved professional performance.

3. Provide inservice activities coupled with followup support appropriate to accomplish district-level and school-level improvement goals and standards. The inservice activities for instructional personnel shall focus on analysis of student achievement data, ongoing formal and informal assessments of student achievement, identification and use of enhanced and differentiated instructional strategies that emphasize rigor, relevance, and reading in the content areas, enhancement of subject content expertise, integrated use of classroom technology that enhances teaching and learning, classroom management, parent involvement, and school safety.

4. Include a master plan for inservice activities, pursuant to rules of the State Board of Education, for all district employees from all fund sources. The master plan shall be updated annually by September 1, must be based on input from teachers and district and school instructional leaders, and must use the latest available student achievement data and research to enhance rigor and relevance in the classroom. Each district inservice plan must be aligned to and support the school-based inservice plans and school improvement plans pursuant to s. 1001.42(18) ~~s. 1001.42(16)~~. District plans must be approved by the district school board annually in order to ensure compliance with subsection (1) and to allow for dissemination of research-based best practices to other districts. District school boards must submit verification of their approval to the Commissioner of Education no later than October 1, annually.

5. Require each school principal to establish and maintain an individual professional development plan for each instructional employee assigned to the school as a seamless component to the school improvement plans developed pursuant to s. 1001.42(18) ~~s. 1001.42(16)~~. The individual professional development plan must:

a. Be related to specific performance data for the students to whom the teacher is assigned.

b. Define the inservice objectives and specific measurable improvements expected in student performance as a result of the inservice activity.

c. Include an evaluation component that determines the effectiveness of the professional development plan.

6. Include inservice activities for school administrative personnel that address updated skills necessary for instructional leadership and effective school management pursuant to s. 1012.986.

7. Provide for systematic consultation with regional and state personnel designated to provide technical assistance and evaluation of local professional development programs.

8. Provide for delivery of professional development by distance learning and other technology-based delivery systems to reach more educators at lower costs.

9. Provide for the continuous evaluation of the quality and effectiveness of professional development programs in order to eliminate ineffective programs and strategies and to expand effective ones. Evaluations must consider the impact of such activities on the performance of participating educators and their students' achievement and behavior.

Section 62. Subsection (4) of section 1013.03, Florida Statutes, is amended to read:

1013.03 Functions of the department and the Board of Governors.— The functions of the Department of Education as it pertains to educational facilities of school districts and community colleges and of the Board of Governors as it pertains to educational facilities of state universities shall include, but not be limited to, the following:

(4) Require each board and other appropriate agencies to submit complete and accurate financial data as to the amounts of funds from all sources that are available and spent for construction and capital improvements. The commissioner shall prescribe the format and the date for the submission of this data and any other educational facilities data. If any district does not submit the required educational facilities fiscal data by the prescribed date, the Commissioner of Education shall notify the district school board of this fact and, if appropriate action is not taken to immediately submit the required report, the district school board shall be directed to proceed pursuant to s. 1001.42(13)(b) ~~the provisions of s. 1001.42(11)(b)~~. If any community college or university does not submit the required educational facilities fiscal data by the prescribed date, the same policy prescribed in this subsection for school districts shall be implemented.

Section 63. *The sum of \$153,872 is appropriated from the Educational Certification and Services Trust Fund to the Department of Education for the 2008-2009 fiscal year, and two additional full-time equivalent positions and associated salary rate of 90,088 are authorized, for the purpose of implementing this act.*

And the title is amended as follows:

On line(s) 1431, after the semicolon (;) insert: providing a short title; amending s. 24.121, F.S., relating to public school funding; conforming cross-references; amending s. 112.3173, F.S.; specifying certain felony offenses against a minor as additional offenses that constitute a breach of the public trust; requiring a person committing such an offense to forfeit benefits under certain public retirement systems; amending s. 121.091, F.S.; prohibiting the Division of Retirement from paying benefits to a member who commits certain felony offenses against a minor; conforming a cross-reference; creating ss. 794.09 and 800.05, F.S.; providing notice in the criminal statutes that certain retirement benefits are subject to forfeiture for committing certain felony offenses against a minor; amending s. 1001.10, F.S.; requiring the Department of Education to assist school districts, charter schools, the Florida School for the Deaf and the Blind, and private schools that accept school choice scholarship students in developing policies, procedures, and training related to employment practices and standards of ethical conduct; requiring the department to provide authorized staff with access to certain databases for employment history verification; amending s. 1001.32, F.S., relating to school administration; conforming a cross-reference; amending s.

1001.42, F.S.; requiring each district school board to adopt standards of ethical conduct and provide training for instructional personnel and school administrators; prohibiting confidentiality agreements regarding terminated or dismissed instructional personnel and school administrators which have the effect of concealing certain misconduct; prohibiting a school district from providing employment references for specified personnel and administrators except under certain circumstances; requiring a person who committed certain crimes to be disqualified from employment in certain positions in a district school system under specified conditions; providing that a district school board official who knowingly signs and transmits a false or incorrect report, or fails to adopt certain policies, forfeits his or her salary for a specified period; amending s. 1001.452, F.S., relating to district and school advisory councils; conforming cross-references; amending s. 1001.51, F.S.; providing that a district school superintendent forfeits his or her salary for a specified period following failure to investigate and report allegations of certain misconduct by specified personnel or administrators; amending ss. 1001.54 and 1002.32, F.S., relating to duties of principals and laboratory schools; conforming cross-references; amending s. 1002.33, F.S.; requiring a person who committed certain crimes to be disqualified from employment in certain positions in a charter school under specified conditions; requiring charter schools to adopt standards of ethical conduct and provide training for all instructional personnel and school administrators; prohibiting confidentiality agreements regarding terminated or dismissed instructional personnel and school administrators which have the effect of concealing certain misconduct; prohibiting a charter school from providing employment references for specified personnel and administrators except under certain circumstances; requiring a charter school to contact the previous employer, and verify the employment history against certain databases, of persons seeking employment in certain positions; requiring a charter school's sponsor to terminate the school's charter for failing to comply with these requirements; amending s. 1002.36, F.S.; requiring the Florida School for the Deaf and the Blind to meet certain requirements governing the screening of personnel; amending s. 1002.421, F.S.; requiring a person who committed certain crimes to be disqualified from employment in certain positions in a private school that accepts certain scholarship students under specified conditions; requiring certain private schools to adopt standards of ethical conduct and provide training for all instructional personnel and school administrations; prohibiting confidentiality agreements regarding terminated or dismissed instructional personnel or school administrators which have the effect of concealing certain misconduct; prohibiting a private school from providing employment references for specified personnel and administrators except under certain circumstances; requiring a private school to contact the previous employer, and verify the employment history against certain databases, of persons seeking employment in certain positions; requiring the Department of Education to suspend enrollment of new students and the payment of funds to a private school failing to comply with these requirements; amending ss. 1003.413, 1003.53, and 1004.92, F.S., relating to educational instruction and programs; conforming cross-references; amending s. 1006.061, F.S.; requiring district school boards, charter schools, and private schools that accept certain scholarship students to post policies for reporting child abuse and misconduct by specified personnel and administrators; requiring the principal of such schools to act as a liaison in suspected cases of child abuse; requiring the Department of Education to publish sample notices; amending ss. 1008.33, 1008.345, 1010.215, and 1011.18, F.S., relating to accountability procedures; conforming cross-references; amending s. 1012.27, F.S.; requiring the district school superintendent to contact the previous employer, and verify the employment history against certain databases, of persons seeking employment in certain positions; creating s. 1012.315, F.S.; specifying offenses that disqualify instructional personnel and school administrations from employment in certain positions that require direct contact with students; amending s. 1012.32, F.S.; requiring specified personnel or administrators who committed certain crimes to be disqualified from employment in certain positions in a district school system or charter school under specified conditions; amending s. 1012.33, F.S.; providing that just cause for terminating instructional staff includes immorality or commission of certain crimes; amending s. 1012.34, F.S., relating to assessment procedures; conforming a cross-reference; amending s. 1012.56, F.S., relating to certification requirements for educators; revising requirements for conducting state and national federal criminal records checks of persons seeking certification; requiring a person who committed certain crimes to be ineligible for certification under specified conditions; providing for the Department of Education to maintain educator records in an electronic database; amending s. 1012.79, F.S.; providing for additional

members to be appointed to the Education Practices Commission; revising the composition of panels appointed to review complaints against teachers and administrators; amending s. 1012.795, F.S.; providing for the suspension of the educator certificate of a person who knowingly fails to report child abuse or misconduct by specified personnel or administrators; clarifying authority of the commission to discipline educators who commit certain crimes; amending s. 1012.796, F.S.; requiring the Department of Education to investigate each complaint involving misconduct by certificated personnel; clarifying what constitutes a legally sufficient complaint; providing requirements for school board policies and procedures relating to standards of ethical conduct; providing that the district school superintendent is accountable for training of instructional personnel and school administrators on the standards, policies, and procedures; requiring employers of certificated personnel to report misconduct by such personnel to the Department of Education; requiring that instructional personnel or school administrators be immediately suspended and reassigned under certain circumstances; amending ss. 1012.98 and 1013.03, F.S., relating to the School Community Professional Development Act and functions of the Department of Education and Board of Governors; conforming cross-references; providing an appropriation and authorizing additional positions;

#### MOTION

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

Senator Gaetz moved the following substitute amendment for **Amendment 1F** which was adopted:

**Amendment 1G (587670)(with title amendment)**—Between line(s) 1295 and 1296 insert:

Section 29. Paragraphs (c) and (d) of subsection (5) of section 24.121, Florida Statutes, are amended to read:

24.121 Allocation of revenues and expenditure of funds for public education.—

(5)

(c) A portion of such net revenues, as determined annually by the Legislature, shall be distributed to each school district and shall be made available to each public school in the district for enhancing school performance through development and implementation of a school improvement plan pursuant to s. 1001.42(18) ~~s. 1001.42(16)~~. A portion of these moneys, as determined annually in the General Appropriations Act, must be allocated to each school in an equal amount for each student enrolled. These moneys may be expended only on programs or projects selected by the school advisory council or by a parent advisory committee created pursuant to this paragraph. If a school does not have a school advisory council, the district advisory council must appoint a parent advisory committee composed of parents of students enrolled in that school, which ~~committee~~ is representative of the ethnic, racial, and economic community served by the school, to advise the school's principal on the programs or projects to be funded. Neither school district staff nor principals may override the recommendations of the school advisory council or the parent advisory committee. These moneys may not be used for capital improvements ~~or, nor may they be used~~ for any project or program that has a duration of more than 1 year; however, a school advisory council or parent advisory committee may independently determine that a program or project formerly funded under this paragraph should receive funds in a subsequent year.

(d) No funds shall be released for any purpose from the Educational Enhancement Trust Fund to any school district in which one or more schools do not have an approved school improvement plan pursuant to s. 1001.42(18) ~~s. 1001.42(16)~~ or do not comply with school advisory council membership composition requirements pursuant to s. 1001.452(1). The Commissioner of Education shall withhold disbursements from the trust fund to any school district that fails to adopt the performance-based salary schedule required by s. 1012.22(1).

Section 30. Paragraph (e) of subsection (2) of section 112.3173, Florida Statutes, is amended to read:

112.3173 Felonies involving breach of public trust and other specified offenses by public officers and employees; forfeiture of retirement benefits.—

(2) DEFINITIONS.—As used in this section, unless the context otherwise requires, the term:

(e) “Specified offense” means:

1. The committing, aiding, or abetting of an embezzlement of public funds;

2. The committing, aiding, or abetting of any theft by a public officer or employee from his or her employer;

3. Bribery in connection with the employment of a public officer or employee;

4. Any felony specified in chapter 838, except ss. 838.15 and 838.16;

5. The committing of an impeachable offense; or

6. The committing of any felony by a public officer or employee who, willfully and with intent to defraud the public or the public agency for which the public officer or employee acts or in which he or she is employed of the right to receive the faithful performance of his or her duty as a public officer or employee, realizes or obtains, or attempts to realize or obtain, a profit, gain, or advantage for himself or herself or for some other person through the use or attempted use of the power, rights, privileges, duties, or position of his or her public office or employment position; or

7. *The committing on or after October 1, 2008, of any felony defined in s. 800.04 against a victim younger than 16 years of age, or any felony defined in chapter 794 against a victim younger than 18 years of age, by a public officer or employee through the use or attempted use of power, rights, privileges, duties, or position of his or her public office or employment position.*

Section 31. Paragraph (i) of subsection (5) of section 121.091, Florida Statutes, is redesignated as paragraph (j), present paragraph (j) is redesignated as paragraph (k) and amended, and a new paragraph (i) is added to that subsection, to read:

121.091 Benefits payable under the system.—Benefits may not be paid under this section unless the member has terminated employment as provided in s. 121.021(39)(a) or begun participation in the Deferred Retirement Option Program as provided in subsection (13), and a proper application has been filed in the manner prescribed by the department. The department may cancel an application for retirement benefits when the member or beneficiary fails to timely provide the information and documents required by this chapter and the department’s rules. The department shall adopt rules establishing procedures for application for retirement benefits and for the cancellation of such application when the required information or documents are not received.

(5) TERMINATION BENEFITS.—A member whose employment is terminated prior to retirement retains membership rights to previously earned member-noncontributory service credit, and to member-contributory service credit, if the member leaves the member contributions on deposit in his or her retirement account. If a terminated member receives a refund of member contributions, such member may reinstate membership rights to the previously earned service credit represented by the refund by completing 1 year of creditable service and repaying the refunded member contributions, plus interest.

(i) *The division may not pay benefits to any member convicted of a felony committed on or after October 1, 2008, defined in s. 800.04 against a victim younger than 16 years of age, or defined in chapter 794 against a victim younger than 18 years of age, through the use or attempted use of power, rights, privileges, duties, or position of the member’s public office or employment position. However, the division shall return the member’s accumulated contributions, if any, that the member accumulated as of the date of conviction.*

(k)(j) Benefits shall not be paid by the division pending final resolution of such charges against a member or beneficiary if the resolution of such charges could require the forfeiture of benefits as provided in paragraph (f), paragraph (g), paragraph (h), or paragraph (i), or paragraph (j).

Section 32. Section 794.09, Florida Statutes, is created to read:

794.09 *Forfeiture of retirement benefits.—The retirement benefits of a person convicted of a felony committed on or after October 1, 2008, under this chapter are subject to forfeiture in accordance with s. 112.3173 or s. 121.091 if the person is a public officer or employee when the offense occurs; the person commits the offense through the use or attempted use of power, rights, privileges, duties, or position of the person’s public office or employment position; and the victim is younger than 18 years of age when the offense occurs.*

Section 33. Section 800.05, Florida Statutes, is created to:

800.05 *Forfeiture of retirement benefits for a felony defined in s. 800.04.—The retirement benefits of a person convicted of a felony committed on or after October 1, 2008, defined in s. 800.04 are subject to forfeiture in accordance with s. 112.3173 or s. 121.091 if the person is a public officer or employee when the offense occurs; the person commits the offense through the use or attempted use of power, rights, privileges, duties, or position of the person’s public office or employment position; and the victim is younger than 16 years of age when the offense occurs.*

Section 34. Subsection (4) of section 1001.10, Florida Statutes, is renumbered as subsection (6) and new subsections (4) and (5) are added to that section to read:

1001.10 Commissioner of Education; general powers and duties.—

(4) *The Department of Education shall provide technical assistance to school districts, charter schools, the Florida School for the Deaf and the Blind, and private schools that accept scholarship students under s. 220.187 or s. 1002.39 in the development of policies, procedures, and training related to employment practices and standards of ethical conduct for instructional personnel and school administrators, as defined in s. 1012.01.*

(5) *The Department of Education shall provide authorized staff of school districts, charter schools, the Florida School for the Deaf and the Blind, and private schools that accept scholarship students under s. 220.187 or s. 1002.39 with access to electronic verification of information from the following employment screening tools:*

(a) *The Professional Practices’ Database of Disciplinary Actions Against Educators; and*

(b) *The Department of Education’s Teacher Certification Database.*

*This subsection does not require the department to provide these staff with unlimited access to the databases. However, the department shall provide the staff with access to the data necessary for performing employment history checks of the instructional personnel and school administrators included in the databases.*

Section 35. Subsection (4) of section 1001.32, Florida Statutes, is amended to read:

1001.32 Management, control, operation, administration, and supervision.—The district school system must be managed, controlled, operated, administered, and supervised as follows:

(4) SCHOOL PRINCIPAL OR HEAD OF SCHOOL.—Responsibility for the administration of any school or schools at a given school center, for the supervision of instruction therein, and for providing leadership in the development or revision and implementation of a school improvement plan required by s. 1001.42(18) pursuant to s. 1001.42(16) shall be delegated to the school principal or head of the school or schools in accordance with rules established by the district school board.

Section 36. Subsections (6) through (23) of section 1001.42, Florida Statutes, are renumbered as subsections (8) through (25), respectively, and new subsections (6) and (7) are added to that section to read:

1001.42 Powers and duties of district school board.—The district school board, acting as a board, shall exercise all powers and perform all duties listed below:

(6) STANDARDS OF ETHICAL CONDUCT FOR INSTRUCTIONAL PERSONNEL AND SCHOOL ADMINISTRATORS.—*Adopt policies establishing standards of ethical conduct for instructional personnel and school administrators. The policies must require all instructional personnel and school administrators, as defined in s. 1012.01, to complete training on the standards; establish the duty of instructional*

personnel and school administrators to report, and procedures for reporting, alleged misconduct by other instructional personnel and school administrators which affects the health, safety, or welfare of a student; and include an explanation of the liability protections provided under ss. 39.203 and 768.095. A district school board, or any of its employees, may not enter into a confidentiality agreement regarding terminated or dismissed instructional personnel or school administrators, or personnel or administrators who resign in lieu of termination, based in whole or in part on misconduct that affects the health, safety, or welfare of a student, and may not provide instructional personnel or school administrators with employment references, or discuss the personnel's or administrators' performance with prospective employers in another educational setting, without disclosing the personnel's or administrators' misconduct. Any part of an agreement or contract that has the purpose or effect of concealing misconduct by instructional personnel or school administrators which affects the health, safety, or welfare of a student is void, is contrary to public policy, and may not be enforced.

(7) **DISQUALIFICATION FROM EMPLOYMENT.**—Disqualify instructional personnel and school administrators, as defined in s. 1012.01, from employment in any position that requires direct contact with students, if the personnel or administrators are ineligible for such employment under s. 1012.315. An elected or appointed school board official forfeits his or her salary for 1 year, if:

(a) The school board official knowingly signs and transmits to any state official a report of alleged misconduct by instructional personnel or school administrators which affects the health, safety, or welfare of a student, and the school board official knows the report to be false or incorrect; or

(b) The school board official knowingly fails to adopt policies that require instructional personnel and school administrators to report alleged misconduct by other instructional personnel and school administrators, or that require the investigation of all reports of alleged misconduct by instructional personnel and school administrators, if the misconduct affects the health, safety, or welfare of a student.

Section 37. Paragraphs (a) and (c) of subsection (1) and subsection (2) of section 1001.452, Florida Statutes, are amended to read:

1001.452 District and school advisory councils.—

(1) **ESTABLISHMENT.**—

(a) The district school board shall establish an advisory council for each school in the district and shall develop procedures for the election and appointment of advisory council members. Each school advisory council shall include in its name the words “school advisory council.” The school advisory council shall be the sole body responsible for final decisionmaking at the school relating to implementation of ss. 1001.42(18) ~~the provisions of ss. 1001.42(16)~~ and 1008.345. A majority of the members of each school advisory council must be persons who are not employed by the school. Each advisory council shall be composed of the principal and an appropriately balanced number of teachers, education support employees, students, parents, and other business and community citizens who are representative of the ethnic, racial, and economic community served by the school. Career center and high school advisory councils shall include students, and middle and junior high school advisory councils may include students. School advisory councils of career centers and adult education centers are not required to include parents as members. Council members representing teachers, education support employees, students, and parents shall be elected by their respective peer groups at the school in a fair and equitable manner as follows:

1. Teachers shall be elected by teachers.
2. Education support employees shall be elected by education support employees.
3. Students shall be elected by students.
4. Parents shall be elected by parents.

The district school board shall establish procedures *to be used for use* by schools in selecting business and community members that include means of ensuring wide notice of vacancies and of taking input on possible members from local business, chambers of commerce, community and civic organizations and groups, and the public at large. The district

school board shall review the membership composition of each advisory council. If the district school board determines that the membership elected by the school is not representative of the ethnic, racial, and economic community served by the school, the district school board shall appoint additional members to achieve proper representation. The commissioner shall determine if schools have maximized their efforts to include on their advisory councils minority persons and persons of lower socioeconomic status. Although schools are strongly encouraged to establish school advisory councils, the district school board of any school district that has a student population of 10,000 or fewer may establish a district advisory council which *includes shall include* at least one duly elected teacher from each school in the district. For the purposes of school advisory councils and district advisory councils, the term “teacher” *includes shall include* classroom teachers, certified student services personnel, and media specialists. For purposes of this paragraph, “education support employee” means any person employed by a school who is not defined as instructional or administrative personnel pursuant to s. 1012.01 and whose duties require 20 or more hours in each normal working week.

(c) For those schools operating for the purpose of providing educational services to youth in Department of Juvenile Justice programs, district school boards may establish a district advisory council with appropriate representatives for the purpose of developing and monitoring a district school improvement plan that encompasses all such schools in the district, pursuant to s. 1001.42(18)(a) ~~s. 1001.42(16)(a)~~.

(2) **DUTIES.**—Each advisory council shall perform ~~such~~ functions ~~as~~ are prescribed by regulations of the district school board; however, no advisory council shall have any of the powers and duties now reserved by law to the district school board. Each school advisory council shall assist in the preparation and evaluation of the school improvement plan required pursuant to s. 1001.42(18) ~~s. 1001.42(16)~~. With technical assistance from the Department of Education, each school advisory council shall assist in the preparation of the school's annual budget and plan as required by s. 1008.385(1). A portion of funds provided in the annual General Appropriations Act for use by school advisory councils must be used for implementing the school improvement plan.

Section 38. Subsection (12) of section 1001.51, Florida Statutes, is amended to read:

1001.51 Duties and responsibilities of district school superintendent.—The district school superintendent shall exercise all powers and perform all duties listed below and elsewhere in the law, provided that, in so doing, he or she shall advise and counsel with the district school board. The district school superintendent shall perform all tasks necessary to make sound recommendations, nominations, proposals, and reports required by law to be acted upon by the district school board. All such recommendations, nominations, proposals, and reports by the district school superintendent shall be either recorded in the minutes or shall be made in writing, noted in the minutes, and filed in the public records of the district school board. It shall be presumed that, in the absence of the record required in this section, the recommendations, nominations, and proposals required of the district school superintendent were not contrary to the action taken by the district school board in such matters.

(12) **RECORDS AND REPORTS.**—Recommend such records as should be kept in addition to those prescribed by rules of the State Board of Education; prepare forms for keeping such records as are approved by the district school board; ensure that such records are properly kept; and make all reports that are needed or required, as follows:

(a) **Forms, blanks, and reports.**—Require that all employees accurately keep all records and promptly make in proper form all reports required by the education code or by rules of the State Board of Education; recommend the keeping of such additional records and the making of such additional reports as may be deemed necessary to provide data essential for the operation of the school system; and prepare such forms and blanks as may be required and ensure that these records and reports are properly prepared.

(b) **Reports to the department.**—Prepare, for the approval of the district school board, all reports ~~that may be~~ required by law or rules of the State Board of Education to be made to the department and transmit promptly all such reports, when approved, to the department, as required by law. If any ~~such~~ reports are not transmitted at the time and

in the manner prescribed by law or by State Board of Education rules, the salary of the district school superintendent must be withheld until the report has been properly submitted. Unless otherwise provided by rules of the State Board of Education, the annual report on attendance and personnel is due on or before July 1, and the annual school budget and the report on finance are due on the date prescribed by the commissioner.

Any district school superintendent who knowingly signs and transmits to any state official a ~~false or incorrect~~ report that the superintendent knows to be false or incorrect; who knowingly fails to investigate any allegation of misconduct by instructional personnel or school administrators, as defined in s. 1012.01, which affects the health, safety, or welfare of a student; or who knowingly fails to report the alleged misconduct to the department as required in s. 1012.796, forfeits ~~shall forfeit~~ his or her right to any salary for the period of 1 year following the ~~from that~~ date of such act or failure to act.

Section 39. Subsection (2) of section 1001.54, Florida Statutes, is amended to read:

1001.54 Duties of school principals.—

(2) Each school principal shall provide instructional leadership in the development, revision, and implementation of a school improvement plan pursuant to s. 1001.42(18) ~~s. 1001.42(16)~~.

Section 40. Paragraph (b) of subsection (11) of section 1002.32, Florida Statutes, is amended to read:

1002.32 Developmental research (laboratory) schools.—

(11) EXCEPTIONS TO LAW.—To encourage innovative practices and facilitate the mission of the lab schools, in addition to the exceptions to law specified in s. 1001.23(2), the following exceptions shall be permitted for lab schools:

(b) With the exception of s. 1001.42(18) ~~s. 1001.42(16)~~, s. 1001.42 shall be held in abeyance. Reference to district school boards in s. 1001.42(18) ~~s. 1001.42(16)~~ shall mean the president of the university or the president's designee.

Section 41. Paragraph (g) of subsection (12) of section 1002.33, Florida Statutes, is amended to read:

1002.33 Charter schools.—

(12) EMPLOYEES OF CHARTER SCHOOLS.—

(g)1. A charter school shall employ or contract with employees who have undergone background screening as provided in s. 1012.32. Members of the governing board of the charter school shall also undergo background screening in a manner similar to that provided in s. 1012.32.

2. A charter school shall disqualify instructional personnel and school administrators, as defined in s. 1012.01, from employment in any position that requires direct contact with students, if the personnel or administrators are ineligible for such employment under s. 1012.315.

3. The governing board of a charter school shall adopt policies establishing standards of ethical conduct for instructional personnel and school administrators. The policies must require all instructional personnel and school administrators, as defined in s. 1012.01, to complete training on the standards; establish the duty of instructional personnel and school administrators to report, and procedures for reporting, alleged misconduct by other instructional personnel and school administrators which affects the health, safety, or welfare of a student; and include an explanation of the liability protections provided under ss. 39.203 and 768.095. A charter school, or any of its employees, may not enter into a confidentiality agreement regarding terminated or dismissed instructional personnel or school administrators, or personnel or administrators who resign in lieu of termination, based in whole or in part on misconduct that affects the health, safety, or welfare of a student, and may not provide instructional personnel or school administrators with employment references, or discuss the personnel's or administrators' performance with prospective employers in another educational setting, without disclosing the personnel's or administrators' misconduct. Any part of an agreement or contract that has the purpose or effect of concealing misconduct by instructional personnel or school administrators

which affects the health, safety, or welfare of a student is void, is contrary to public policy, and may not be enforced.

4. Before employing instructional personnel or school administrators in any position that requires direct contact with students, a charter school shall conduct employment history checks of each of the personnel's or administrators' previous employer, screen the instructional personnel or school administrators through use of the educator screening tools described in s. 1001.10(5), and document the findings. If unable to contact a previous employer, the charter school must document efforts to contact the employer.

5. The sponsor of a charter school that fails to comply with this paragraph shall terminate the charter under subsection (8).

Section 42. Paragraph (g) is added to subsection (7) of section 1002.36, Florida Statutes, to read:

1002.36 Florida School for the Deaf and the Blind.—

(7) PERSONNEL SCREENING.—

(g) For purposes of protecting the health, safety, or welfare of students, the Florida School for the Deaf and the Blind is considered a school district and must, except as otherwise provided in this section, comply with ss. 1001.03, 1001.42, 1001.51, 1006.061, 1012.27, 1012.315, 1012.32, 1012.33, 1012.56, 1012.795, and 1012.796.

Section 43. Subsections (4), (5), and (6) of section 1002.421, Florida Statutes, are renumbered as subsections (5), (6), and (7), respectively, and a new subsection (4) is added to that section to read:

1002.421 Accountability of private schools participating in state school choice scholarship programs.—

(4) A private school that accepts scholarship students under s. 220.187 or s. 1002.39 must:

(a) Disqualify instructional personnel and school administrators, as defined in s. 1012.01, from employment in any position that requires direct contact with students, if the personnel or administrators are ineligible for such employment under s. 1012.315.

(b) Adopt policies establishing standards of ethical conduct for instructional personnel and school administrators. The policies must require all instructional personnel and school administrators, as defined in s. 1012.01, to complete training on the standards; establish the duty of instructional personnel and school administrators to report, and procedures for reporting, alleged misconduct by other instructional personnel and school administrators which affects the health, safety, or welfare of a student; and include an explanation of the liability protections provided under ss. 39.203 and 768.095. A private school, or any of its employees, may not enter into a confidentiality agreement regarding terminated or dismissed instructional personnel or school administrators, or personnel or administrators who resign in lieu of termination, based in whole or in part on misconduct that affects the health, safety, or welfare of a student, and may not provide the instructional personnel or school administrators with employment references, or discuss the personnel's or administrators' performance with prospective employers in another educational setting, without disclosing the personnel's or administrators' misconduct. Any part of an agreement or contract that has the purpose or effect of concealing misconduct by instructional personnel or school administrators which affects the health, safety, or welfare of a student is void, is contrary to public policy, and may not be enforced.

(c) Before employing instructional personnel or school administrators in any position that requires direct contact with students, conduct employment history checks of each of the personnel's or administrators' previous employer, screen the personnel or administrators through use of the educator screening tools described in s. 1001.10(5), and document the findings. If unable to contact a previous employer, the private school must document efforts to contact the employer.

The department shall suspend the payment of funds under ss. 220.187 and 1002.39 to a private school that fails to comply with this subsection, and shall prohibit the school from enrolling new scholarship students, for 1 fiscal year and until the school complies.

Section 44. Subsection (2) of section 1003.413, Florida Statutes, is amended to read:

## 1003.413 Florida Secondary School Redesign Act.—

(2) The following guiding principles for secondary school redesign shall be used in the annual preparation of each secondary school's improvement plan required by *s. 1001.42(18)* ~~*s. 1001.42(16)*~~:

(a) Struggling students, especially those in failing schools, need the highest quality teachers and dramatically different, innovative approaches to teaching and learning.

(b) Every teacher must contribute to every student's reading improvement.

(c) Quality professional development provides teachers and principals with the tools they need to better serve students.

(d) Small learning communities allow teachers to personalize instruction to better address student learning styles, strengths, and weaknesses.

(e) Intensive intervention in reading and mathematics must occur early and through innovative delivery systems.

(f) Parents need access to tools they can use to monitor their child's progress in school, communicate with teachers, and act early on behalf of their child.

(g) Applied and integrated courses help students see the relationships between subjects and relevance to their futures.

(h) School is more relevant when students choose courses based on their goals, interests, and talents.

(i) Master schedules should not determine instruction and must be designed based on student needs, not adult or institutional needs.

(j) Academic and career planning engages students in developing a personally meaningful course of study so they can achieve goals they have set for themselves.

Section 45. Paragraph (b) of subsection (2) of section 1003.53, Florida Statutes, is amended to read:

## 1003.53 Dropout prevention and academic intervention.—

(2)

(b) Each school that establishes a dropout prevention and academic intervention program at that school site shall reflect that program in the school improvement plan as required under *s. 1001.42(18)* ~~*s. 1001.42(16)*~~.

Section 46. Subsections (1) and (3) of section 1004.92, Florida Statutes, are amended to read:

## 1004.92 Purpose and responsibilities for career education.—

(1) The purpose of career education is to enable students who complete career programs to attain and sustain employment and realize economic self-sufficiency. The purpose of this section is to identify issues related to career education for which school boards and community college boards of trustees are accountable. It is the intent of the Legislature that the standards articulated in subsection (2) be considered in the development of accountability standards for public schools pursuant to *ss. 1000.03, 1001.42(18)* ~~*1001.42(16)*~~, and 1008.345 and for community colleges pursuant to *s. 1008.45*.

(3) Each career center operated by a district school board shall establish a center advisory council pursuant to *s. 1001.452*. The center advisory council shall assist in the preparation and evaluation of center improvement plans required pursuant to *s. 1001.42(18)* ~~*s. 1001.42(16)*~~ and may provide assistance, upon the request of the center director, in the preparation of the center's annual budget and plan as required by *s. 1008.385(1)*.

Section 47. Section 1006.061, Florida Statutes, is amended to read:

1006.061 Child abuse, abandonment, and neglect policy.—Each district school board, *charter school*, and *private school that accepts scholarship students* under *s. 220.187* or *s. 1002.39* shall:

(1) Post in a prominent place in each school a notice that, pursuant to chapter 39, all employees and agents of the district school board, *charter school*, or *private school* have an affirmative duty to report all actual or suspected cases of child abuse, abandonment, or neglect; have immunity from liability if they report such cases in good faith; and have a duty to comply with child protective investigations and all other provisions of law relating to child abuse, abandonment, and neglect. The notice shall also include the statewide toll-free telephone number of the central abuse hotline.

(2) *Post in a prominent place at each school site and on each school's Internet website, if available, the policies and procedures for reporting alleged misconduct by instructional personnel or school administrators which affects the health, safety, or welfare of a student; the contact person to whom the report is made; and the penalties imposed on instructional personnel or school administrators who fail to report suspected or actual child abuse or alleged misconduct by other instructional personnel or school administrators.*

(3)(2) Require the *principal of the charter school or private school, or the district school superintendent, or the superintendent's designee, at the request of the Department of Children and Family Services, to act as a liaison to the Department of Children and Family Services and the child protection team, as defined in s. 39.01, when in a case of suspected child abuse, abandonment, or neglect or an unlawful sexual offense involving a child the case is referred to such a team; except that this does not relieve or restrict the Department of Children and Family Services from discharging its duty and responsibility under the law to investigate and report every suspected or actual case of child abuse, abandonment, or neglect or unlawful sexual offense involving a child.*

*The Department of Education shall develop, and publish on the department's Internet website, sample notices suitable for posting in accordance with subsections (1) and (2).*

Section 48. Subsection (4) of section 1008.33, Florida Statutes, is amended to read:

1008.33 Authority to enforce public school improvement.—It is the intent of the Legislature that all public schools be held accountable for students performing at acceptable levels. A system of school improvement and accountability that assesses student performance by school, identifies schools in which students are not making adequate progress toward state standards, institutes appropriate measures for enforcing improvement, and provides rewards and sanctions based on performance shall be the responsibility of the State Board of Education.

(4) The State Board of Education may require the Department of Education or Chief Financial Officer to withhold any transfer of state funds to the school district if, within the timeframe specified in state board action, the school district has failed to comply with the action ordered to improve the district's low-performing schools. Withholding the transfer of funds shall occur only after all other recommended actions for school improvement have failed to improve performance. The State Board of Education may impose the same penalty on any district school board that fails to develop and implement a plan for assistance and intervention for low-performing schools as specified in *s. 1001.42(18)(c)* ~~*s. 1001.42(16)(e)*~~.

Section 49. Paragraph (c) of subsection (6) of section 1008.345, Florida Statutes, is amended to read:

1008.345 Implementation of state system of school improvement and education accountability.—

(6)

(c) Pursuant to *s. 24.121(5)(d)*, the department shall not release funds from the Educational Enhancement Trust Fund to any district in which a school, including schools operating for the purpose of providing educational services to youth in Department of Juvenile Justice programs, does not have an approved school improvement plan, pursuant to *s. 1001.42(18)* ~~*s. 1001.42(16)*~~, after 1 full school year of planning and development, or does not comply with school advisory council membership composition requirements pursuant to *s. 1001.452*. The department shall send a technical assistance team to each school without an approved plan to develop such school improvement plan or to each school without appropriate school advisory council membership composition to develop a strategy for corrective action. The department shall release

the funds upon approval of the plan or upon establishment of a plan of corrective action. Notice shall be given to the public of the department's intervention and shall identify each school without a plan or without appropriate school advisory council membership composition.

Section 50. Subsection (5) of section 1010.215, Florida Statutes, is amended to read:

1010.215 Educational funding accountability.—

(5) The annual school public accountability report required by ss. ~~1001.42(18)~~ ~~1001.42(16)~~ and 1008.345 must include a school financial report. The purpose of the school financial report is to better inform parents and the public concerning how funds were spent to operate the school during the prior fiscal year. Each school's financial report must follow a uniform, districtwide format that is easy to read and understand.

(a) Total revenue must be reported at the school, district, and state levels. The revenue sources that must be addressed are state and local funds, other than lottery funds; lottery funds; federal funds; and private donations.

(b) Expenditures must be reported as the total expenditures per unweighted full-time equivalent student at the school level and the average expenditures per full-time equivalent student at the district and state levels in each of the following categories and subcategories:

1. Teachers, excluding substitute teachers, and education paraprofessionals who provide direct classroom instruction to students enrolled in programs classified by s. 1011.62 as:

- a. Basic programs;
- b. Students-at-risk programs;
- c. Special programs for exceptional students;
- d. Career education programs; and
- e. Adult programs.

2. Substitute teachers.

3. Other instructional personnel, including school-based instructional specialists and their assistants.

4. Contracted instructional services, including training for instructional staff and other contracted instructional services.

5. School administration, including school-based administrative personnel and school-based education support personnel.

6. The following materials, supplies, and operating capital outlay:

- a. Textbooks;
  - b. Computer hardware and software;
  - c. Other instructional materials;
  - d. Other materials and supplies; and
  - e. Library media materials.
7. Food services.

8. Other support services.

9. Operation and maintenance of the school plant.

(c) The school financial report must also identify the types of district-level expenditures that support the school's operations. The total amount of these district-level expenditures must be reported and expressed as total expenditures per full-time equivalent student.

Section 51. Paragraph (b) of subsection (6) of section 1011.18, Florida Statutes, is amended to read:

1011.18 School depositories; payments into and withdrawals from depositories.—

(6) EXEMPTION FOR SELF-INSURANCE PROGRAMS AND THIRD-PARTY ADMINISTERED EMPLOYEES' FRINGE BENEFIT PROGRAMS.—

(b) The district school board may contract with an insurance company or professional administrator who holds a valid certificate of authority issued by the Office of Insurance Regulation of the Financial Services Commission to provide any ~~or all~~ services that a third-party administrator is authorized by law to perform. Pursuant to such contract, the district school board may advance or remit money to the administrator to be deposited in a designated special checking account for paying claims against the district school board under its self-insurance programs, and remitting premiums to the providers of insured benefits on behalf of the district school board and the participants in such programs, and otherwise fulfilling the obligations imposed upon the administrator by law and the contractual agreements between the district school board and the administrator. The special checking account shall be maintained in a designated district school depository. The district school board may replenish such account as often as necessary upon the presentation by the service organization of documentation for claims or premiums due paid equal to the amount of the requested reimbursement. Such replenishment shall be made by a warrant signed by the chair of the district school board and countersigned by the district school superintendent. Such replenishment may be made by electronic, telephonic, or other medium, and each transfer shall be confirmed in writing and signed by the district school superintendent or his or her designee. The provisions of strict accountability of all funds and an annual audit by an independent certified public accountant as provided in s. 1001.42(12)(k) ~~s. 1001.42(10)(k)~~ shall apply to this subsection.

Section 52. Subsection (6) of section 1012.27, Florida Statutes, is renumbered as subsection (7), and a new subsection (6) is added to that section to read:

1012.27 Public school personnel; powers and duties of district school superintendent.—The district school superintendent is responsible for directing the work of the personnel, subject to the requirements of this chapter, and in addition the district school superintendent shall perform the following:

(6) *EMPLOYMENT HISTORY CHECKS.*—*Before employing instructional personnel and school administrators, as defined in s. 1012.01, in any position that requires direct contact with students, conduct employment history checks of each of the personnel's or administrators' previous employer, screen the personnel or administrators through use of the educator screening tools described in s. 1001.10(5), and document the findings. If unable to contact a previous employer, the district school superintendent shall document efforts to contact the employer.*

Section 53. Section 1012.315, Florida Statutes, is created to read:

1012.315 *Disqualification from employment.*—*A person is ineligible for educator certification, and instructional personnel and school administrators, as defined in s. 1012.01, are ineligible for employment in any position that requires direct contact with students in a district school system, charter school, or private school that accepts scholarship students under s. 220.187 or s. 1002.39, if the person, instructional personnel, or school administrator has been convicted of:*

(1) *Any felony offense prohibited under any of the following statutes:*

(a) *Section 393.135, relating to sexual misconduct with certain developmentally disabled clients and reporting of such sexual misconduct.*

(b) *Section 394.4593, relating to sexual misconduct with certain mental health patients and reporting of such sexual misconduct.*

(c) *Section 415.111, relating to adult abuse, neglect, or exploitation of aged persons or disabled adults.*

(d) *Section 782.04, relating to murder.*

(e) *Section 782.07, relating to manslaughter, aggravated manslaughter of an elderly person or disabled adult, aggravated manslaughter of a child, or aggravated manslaughter of an officer, a firefighter, an emergency medical technician, or a paramedic.*

(f) *Section 782.09, relating to killing of an unborn quick child by injury to the mother.*

- (g) Section 784.021, relating to aggravated assault.
- (h) Section 784.045, relating to aggravated battery.
- (i) Section 784.075, relating to battery on a detention or commitment facility staff.
- (j) Section 787.01, relating to kidnapping.
- (k) Section 787.02, relating to false imprisonment.
- (l) Section 787.025, relating to luring or enticing a child.
- (m) Section 787.04(2), relating to leading, taking, enticing, or removing a minor beyond the state limits, or concealing the location of a minor, with criminal intent pending custody proceedings.
- (n) Section 787.04(3), relating to leading, taking, enticing, or removing a minor beyond the state limits, or concealing the location of a minor, with criminal intent pending dependency proceedings or proceedings concerning alleged abuse or neglect of a minor.
- (o) Section 790.115(1), relating to exhibiting firearms or weapons within 1,000 feet of a school.
- (p) Section 790.115(2)(b), relating to possessing an electric weapon or device, destructive device, or other weapon on school property.
- (q) Section 794.011, relating to sexual battery.
- (r) Former section 794.041, relating to prohibited act of familial or custodial authority.
- (s) Section 794.05, relating to unlawful sexual activity with certain minors.
- (t) Section 794.08, relating to female genital mutilation.
- (u) Chapter 796, relating to prostitution.
- (v) Chapter 800, relating to lewdness and indecent exposure.
- (w) Section 806.01, relating to arson.
- (x) Section 810.14, relating to voyeurism.
- (y) Section 810.145, relating to video voyeurism.
- (z) Section 812.014(6), relating to coordinating the commission of theft in excess of \$3,000.
- (aa) Section 812.0145, relating to theft from persons 65 years of age or older.
- (bb) Section 812.019, relating to dealing in stolen property.
- (cc) Section 812.13, relating to robbery.
- (dd) Section 812.131, relating to robbery by sudden snatching.
- (ee) Section 812.133, relating to carjacking.
- (ff) Section 812.135, relating to home-invasion robbery.
- (gg) Section 817.563, relating to fraudulent sale of controlled substances.
- (hh) Section 825.102, relating to abuse, aggravated abuse, or neglect of an elderly person or disabled adult.
- (ii) Section 825.103, relating to exploitation of an elderly person or disabled adult.
- (jj) Section 825.1025, relating to lewd or lascivious offenses committed upon or in the presence of an elderly person or disabled person.
- (kk) Section 826.04, relating to incest.
- (ll) Section 827.03, relating to child abuse, aggravated child abuse, or neglect of a child.

- (mm) Section 827.04, relating to contributing to the delinquency or dependency of a child.
- (nn) Section 827.071, relating to sexual performance by a child.
- (oo) Section 843.01, relating to resisting arrest with violence.
- (pp) Chapter 847, relating to obscenity.
- (qq) Section 874.05, relating to encouraging or recruiting another to join a criminal gang.
- (rr) Chapter 893, relating to drug abuse prevention and control, if the offense was a felony of the second degree or greater severity.
- (ss) Section 916.1075, relating to sexual misconduct with certain forensic clients and reporting of such sexual misconduct.
- (tt) Section 944.47, relating to introduction of contraband into a correctional facility.
- (uu) Section 985.701, relating to sexual misconduct in juvenile justice programs.
- (vv) Section 985.711, relating to contraband introduced into detention facilities.
- (2) Any misdemeanor offense prohibited under any of the following statutes:
  - (a) Section 784.03, relating to battery, if the victim of the offense was a minor.
  - (b) Section 787.025, relating to luring or enticing a child.
  - (3) Any criminal act committed in another state or under federal law which, if committed in this state, constitutes an offense prohibited under any statute listed in subsection (1) or subsection (2).
  - (4) Any delinquent act committed in this state or any delinquent or criminal act committed in another state or under federal law which, if committed in this state, qualifies an individual for inclusion on the Registered Juvenile Sex Offender List under s. 943.0435(1)(a)1.d.

Section 54. Subsections (1) and (2) and paragraph (c) of subsection (3) of section 1012.32, Florida Statutes, are amended to read:

1012.32 Qualifications of personnel.—

(1) To be eligible for appointment in any position in any district school system, a person *must shall* be of good moral character; *must shall* have attained the age of 18 years, if he or she is to be employed in an instructional capacity; *must not be ineligible for such employment under s. 1012.315*; and *must shall*, when required by law, hold a certificate or license issued under rules of the State Board of Education or the Department of Children and Family Services, except when employed pursuant to s. 1012.55 or under the emergency provisions of s. 1012.24. Previous residence in this state shall not be required in any school of the state as a prerequisite for any person holding a valid Florida certificate or license to serve in an instructional capacity.

(2)(a) Instructional and noninstructional personnel who are hired or contracted to fill positions *that require requiring* direct contact with students in any district school system or university lab school *must shall*, upon employment or engagement to provide services, undergo background screening as required under s. 1012.465 or s. 1012.56, whichever is applicable.

(b) Instructional and noninstructional personnel who are hired or contracted to fill positions in any charter school and members of the governing board of any charter school, in compliance with s. 1002.33(12)(g), *must shall*, upon employment, engagement of services, or appointment, undergo background screening as required under s. 1012.465 or s. 1012.56, whichever is applicable, by filing with the district school board for the school district in which the charter school is located a complete set of fingerprints taken by an authorized law enforcement agency or an employee of the school or school district who is trained to take fingerprints.

(c) Instructional and noninstructional personnel who are hired or contracted to fill positions ~~that require~~ ~~requiring~~ direct contact with students in an alternative school that operates under contract with a district school system ~~must shall~~, upon employment or engagement to provide services, undergo background screening as required under s. 1012.465 or s. 1012.56, whichever is applicable, by filing with the district school board for the school district to which the alternative school is under contract a complete set of fingerprints taken by an authorized law enforcement agency or an employee of the school or school district who is trained to take fingerprints.

(d) Student teachers, persons participating in a field experience pursuant to s. 1004.04(6) or s. 1004.85, and persons participating in a short-term experience as a teacher assistant pursuant to s. 1004.04(10) in any district school system, lab school, or charter school ~~must shall~~, upon engagement to provide services, undergo background screening as required under s. 1012.56.

Fingerprints shall be submitted to the Department of Law Enforcement for state ~~criminal records checks~~ ~~processing~~ and to the Federal Bureau of Investigation for ~~national criminal records checks~~ ~~federal processing~~. A person ~~Persons~~ subject to this subsection ~~who is found ineligible for employment under s. 1012.315, or otherwise found through background screening fingerprint processing~~ to have been convicted of any crime involving moral turpitude ~~as defined by rule of the State Board of Education~~, shall not be employed, engaged to provide services, or serve in any position ~~that requires~~ ~~requiring~~ direct contact with students. Probationary persons subject to this subsection terminated because of their criminal record have the right to appeal such decisions. The cost of the background screening may be borne by the district school board, the charter school, the employee, the contractor, or a person subject to this subsection.

(3)

(c) Personnel whose fingerprints are not retained by the Department of Law Enforcement under paragraphs (a) and (b) ~~must are required to~~ be refingerprinted and ~~rescreened in accordance with subsection (2) must~~ meet level 2 screening requirements as described in this section upon reemployment or reengagement to provide services in order to comply with the requirements of this subsection.

Section 55. Paragraph (a) of subsection (1), paragraph (c) of subsection (4), and paragraph (b) of subsection (6) of section 1012.33, Florida Statutes, are amended to read:

1012.33 Contracts with instructional staff, supervisors, and school principals.—

(1)(a) Each person employed as a member of the instructional staff in any district school system shall be properly certified pursuant to s. 1012.56 or s. 1012.57 or employed pursuant to s. 1012.39 and shall be entitled to and shall receive a written contract as specified in this section. All such contracts, except continuing contracts as specified in subsection (4), shall contain provisions for dismissal during the term of the contract only for just cause. Just cause includes, but is not limited to, the following instances, as defined by rule of the State Board of Education: *immorality*, misconduct in office, incompetency, gross insubordination, willful neglect of duty, *or being convicted or found guilty of, or entering a plea of guilty to, regardless of adjudication of guilt, any or conviction of a crime involving moral turpitude.*

(4)

(c) Any member of the district administrative or supervisory staff and any member of the instructional staff, including any school principal, who is under continuing contract may be suspended or dismissed at any time during the school year; however, the charges against him or her must be based on immorality, misconduct in office, incompetency, gross insubordination, willful neglect of duty, drunkenness, *or being convicted or found guilty of, or entering a plea of guilty to, regardless of adjudication of guilt, any conviction of a crime involving moral turpitude*, as these terms are defined by rule of the State Board of Education. Whenever such charges are made against ~~an any such~~ employee of the district school board, the district school board may suspend such person without pay; but, if the charges are not sustained, he or she shall be immediately reinstated, and his or her back salary shall be paid. In cases of suspension by the district school board or by the district school superintendent, the district school board shall determine upon the evidence submitted

whether the charges have been sustained and, if the charges are sustained, shall determine either to dismiss the employee or fix the terms under which he or she may be reinstated. If such charges are sustained by a majority vote of the full membership of the district school board and ~~the such~~ employee is discharged, his or her contract of employment shall be ~~thereby~~ canceled. Any ~~such~~ decision adverse to the employee may be appealed by the employee pursuant to s. 120.68, provided ~~the such~~ appeal is filed within 30 days after the decision of the district school board.

(6)

(b) Any member of the district administrative or supervisory staff, including any principal but excluding an employee specified in subsection (4), may be suspended or dismissed at any time during the term of the contract; however, the charges against him or her must be based on immorality, misconduct in office, incompetency, gross insubordination, willful neglect of duty, drunkenness, *or being convicted or found guilty of, or entering a plea of guilty, regardless of adjudication of guilt, conviction of any crime involving moral turpitude*, as these terms are defined by rule of the State Board of Education. Whenever such charges are made against ~~an any such~~ employee of the district school board, the district school board may suspend the employee without pay; but, if the charges are not sustained, he or she shall be immediately reinstated, and his or her back salary shall be paid. In cases of suspension by the district school board or by the district school superintendent, the district school board shall determine upon the evidence submitted whether the charges have been sustained and, if the charges are sustained, shall determine either to dismiss the employee or fix the terms under which he or she may be reinstated. If such charges are sustained by a majority vote of the full membership of the district school board and ~~the such~~ employee is discharged, his or her contract of employment shall be ~~thereby~~ canceled. Any ~~such~~ decision adverse to the employee may be appealed by him or her pursuant to s. 120.68, provided such appeal is filed within 30 days after the decision of the district school board.

Section 56. Subsection (4) of section 1012.34, Florida Statutes, is amended to read:

1012.34 Assessment procedures and criteria.—

(4) The district school superintendent shall notify the department of any instructional personnel who receive two consecutive unsatisfactory evaluations and who have been given written notice by the district that their employment is being terminated or is not being renewed or that the district school board intends to terminate, or not renew, their employment. The department shall conduct an investigation to determine whether action shall be taken against the certificateholder pursuant to s. 1012.795(1)(c) ~~s. 1012.795(1)(b)~~.

Section 57. Subsections (9) and (14) of section 1012.56, Florida Statutes, are amended to read:

1012.56 Educator certification requirements.—

(9) BACKGROUND SCREENING REQUIRED, INITIALLY AND PERIODICALLY.—

(a) Each person who seeks certification under this chapter ~~must be fingerprinted and screened meet level 2 screening requirements as described in accordance with s. 1012.32 and must not be ineligible for such certification under s. 1012.315. A person who has been screened in accordance with s. 1012.32 unless a level 2 screening has been conducted~~ by a district school board or the Department of Education within 12 months before the date the person initially obtains certification under this chapter, the results of which are submitted to the district school board or to the Department of Education, ~~is not required to repeat the screening under this paragraph.~~

(b) A person may not receive a certificate under this chapter until the ~~person's level 2 screening under s. 1012.32 is has been~~ completed and the results have been submitted to the Department of Education or to the district school superintendent of the school district that employs the person. Every 5 years after obtaining initial certification, each person who is required to be certified under this chapter ~~must be rescreened meet level 2 screening requirements as described in accordance with s. 1012.32, at which time the school district shall request the Department of Law Enforcement to forward the fingerprints to the Federal Bureau of Investigation for national criminal records checks the level 2 screening.~~ If, for any reason after obtaining initial certification, the finger-

prints of a person who is required to be certified under this chapter are not retained by the Department of Law Enforcement under s. 1012.32(3)(a) and (b), the person must file a complete set of fingerprints with the district school superintendent of the employing school district. Upon submission of fingerprints for this purpose, the school district shall request the Department of Law Enforcement to forward the fingerprints to the Federal Bureau of Investigation for *national criminal records checks* ~~the level 2 screening~~, and the fingerprints shall be retained by the Department of Law Enforcement under s. 1012.32(3)(a) and (b). The cost of the state and *national federal criminal history checks* ~~check~~ required by *paragraph (a) and this paragraph level 2 screening* may be borne by the district school board or the employee. Under penalty of perjury, each person who is certified under this chapter must agree to inform his or her employer within 48 hours if convicted of any disqualifying offense while he or she is employed in a position for which such certification is required.

(c) If it is found under s. 1012.796 that a person who is employed in a position requiring certification under this chapter *has does not been screened in accordance with s. 1012.32, or is ineligible for such certification under s. 1012.315 meet the level 2 screening requirements*, the person's certification shall be immediately revoked or suspended and he or she shall be immediately suspended from the position requiring certification.

(14) PERSONNEL RECORDS.—The Department of Education shall maintain *an electronic database that includes, but need not be limited to, a complete statement of the academic preparation, professional training, and teaching experience of each person to whom a certificate is issued.* The applicant or the district school superintendent shall furnish the information using a format ~~or forms~~ provided by the department.

Section 58. Subsection (1) and paragraph (a) of subsection (8) of section 1012.79, Florida Statutes, are amended to read:

1012.79 Education Practices Commission; organization.—

(1) The Education Practices Commission consists of ~~25~~ ~~17~~ members, including ~~8~~ ~~7~~ teachers; ~~5~~ administrators, *at least one of whom shall represent a private school; 7 and 5 lay citizens, 5 (of whom shall be parents of public school students and who are unrelated to public school employees and 2 of whom shall be former district school board members);* and ~~5~~ sworn law enforcement officials, appointed by the State Board of Education from nominations by the Commissioner of Education and subject to Senate confirmation. Prior to making nominations, the commissioner shall consult with ~~the teaching associations, parent organizations, law enforcement agencies,~~ and other involved associations in the state. In making nominations, the commissioner shall attempt to achieve equal geographical representation, as closely as possible.

(a) A teacher member, in order to be qualified for appointment:

1. Must be certified to teach in the state.
2. Must be a resident of the state.
3. Must have practiced the profession in this state for at least 5 years immediately preceding the appointment.

(b) A school administrator member, in order to be qualified for appointment:

1. Must have an endorsement on the educator certificate in the area of school administration or supervision.
2. Must be a resident of the state.
3. Must have practiced the profession as an administrator for at least 5 years immediately preceding the appointment.

(c) The lay members must be residents of the state.

(d) *The law enforcement official members must have served in the profession for at least 5 years immediately preceding appointment and have background expertise in child safety.*

(8)(a) The commission shall, from time to time, designate members of the commission to serve on panels for the purpose of reviewing and issuing final orders upon cases presented to the commission. A case

concerning a complaint against a teacher shall be reviewed and a final order ~~thereon shall be~~ entered by a panel composed of five commission members, *at least one of whom must be a parent or a sworn law enforcement officer and at least three of whom must shall be teachers.* A case concerning a complaint against an administrator shall be reviewed and a final order ~~thereon shall be~~ entered by a panel composed of five commission members, *at least one of whom must be a parent or a sworn law enforcement officer and at least three of whom must shall be administrators.*

Section 59. Subsection (1) of section 1012.795, Florida Statutes, is amended to read:

1012.795 Education Practices Commission; authority to discipline.—

(1) The Education Practices Commission may suspend the educator certificate of any person as defined in s. 1012.01(2) or (3) for a period of time not to exceed 5 years, thereby denying that person the right to teach or otherwise be employed by a district school board or public school in any capacity requiring direct contact with students for that period of time, after which the holder may return to teaching as provided in subsection (4); may revoke the educator certificate of any person, thereby denying that person the right to teach or otherwise be employed by a district school board or public school in any capacity requiring direct contact with students for a period of time not to exceed 10 years, with reinstatement subject to the provisions of subsection (4); may revoke permanently the educator certificate of any person thereby denying that person the right to teach or otherwise be employed by a district school board or public school in any capacity requiring direct contact with students; may suspend the educator certificate, upon order of the court, of any person found to have a delinquent child support obligation; or may impose any other penalty provided by law, ~~if provided it can be shown that the person:~~

(a) Obtained or attempted to obtain an educator certificate by fraudulent means.

(b) *Knowingly failed to report actual or suspected child abuse as required in s. 1006.061 or report alleged misconduct by instructional personnel or school administrators which affects the health, safety, or welfare of a student as required in s. 1012.796.*

(c)(b) Has proved to be incompetent to teach or to perform duties as an employee of the public school system or to teach in or to operate a private school.

(d)(e) Has been guilty of gross immorality or an act involving moral turpitude *as defined by rule of the State Board of Education.*

(e)(d) Has had an educator certificate sanctioned by revocation, suspension, or surrender in another state.

(f)(e) Has been convicted or *found guilty of, or entered a plea of guilty to, regardless of adjudication of guilt,* a misdemeanor, felony, or any other criminal charge, other than a minor traffic violation.

(g)(f) Upon investigation, has been found guilty of personal conduct which seriously reduces that person's effectiveness as an employee of the district school board.

(h)(g) Has breached a contract, as provided in s. 1012.33(2).

(i)(h) Has been the subject of a court order directing the Education Practices Commission to suspend the certificate as a result of a delinquent child support obligation.

(j)(i) Has violated the Principles of Professional Conduct for the Education Profession prescribed by State Board of Education rules.

(k)(j) Has otherwise violated the provisions of law, the penalty for which is the revocation of the educator certificate.

(l)(k) Has violated any order of the Education Practices Commission.

(m)(l) Has been the subject of a court order or plea agreement in any jurisdiction which requires the certificateholder to surrender or otherwise relinquish his or her educator's certificate. A surrender or relinquishment shall be for permanent revocation of the certificate. A person

may not surrender or otherwise relinquish his or her certificate prior to a finding of probable cause by the commissioner as provided in s. 1012.796.

(n) *Has been disqualified from educator certification under s. 1012.315.*

Section 60. Subsections (1), (3), and (5) of section 1012.796, Florida Statutes, are amended to read:

1012.796 Complaints against teachers and administrators; procedure; penalties.—

(1)(a) The Department of Education shall cause to be investigated expeditiously any complaint filed before it or otherwise called to its attention which, if legally sufficient, contains grounds for the revocation or suspension of a certificate or any other appropriate penalty as set forth in subsection (7). The complaint is legally sufficient if it contains the ultimate facts which show a violation has occurred as provided in s. 1012.795 and defined by rule of the State Board of Education. The department shall ~~may~~ investigate or continue to investigate and take appropriate action on a complaint even though the original complainant withdraws the complaint or otherwise indicates a desire not to cause it to be investigated or prosecuted to completion. The department may investigate or continue to investigate and take action on a complaint filed against a person whose educator certificate has expired if the act or acts that ~~which~~ are the basis for the complaint were allegedly committed while that person possessed an educator certificate.

(b) *The department shall immediately investigate any legally sufficient complaint that involves misconduct by any certificated personnel which affects the health, safety, or welfare of a student, giving the complaint priority over other pending complaints. The department must investigate or continue to investigate and take action on such a complaint filed against a person whose educator certificate has expired if the act or acts that are the basis for the complaint were allegedly committed while that person possessed an educator certificate.*

(c)(b) When an investigation is undertaken, the department shall notify the certificateholder or applicant for certification and the district school superintendent or the university laboratory school, charter school, or private school in which the certificateholder or applicant for certification is employed or was employed at the time the alleged offense occurred. In addition, the department shall inform the certificateholder or applicant for certification of the substance of any complaint which has been filed against that certificateholder or applicant, unless the department determines that such notification would be detrimental to the investigation, in which case the department may withhold notification.

(d)(e) Each school district shall file in writing with the department all legally sufficient complaints within 30 days after the date on which subject matter of the complaint comes to the attention of the school district. *A complaint is legally sufficient if it contains ultimate facts that show a violation has occurred as provided in s. 1012.795 and defined by rule of the State Board of Education.* The school district shall include all information relating to the complaint which is known to the school district at the time of filing. Each district school board shall develop and adopt policies and procedures to comply with this reporting requirement. *School board policies and procedures must include standards for screening, hiring, and terminating instructional personnel and school administrators, as defined in s. 1012.01; standards of ethical conduct for instructional personnel and school administrators; the duties of instructional personnel and school administrators for upholding the standards; detailed procedures for reporting alleged misconduct by instructional personnel and school administrators which affects the health, safety, or welfare of a student; requirements for the reassignment of instructional personnel or school administrators pending the outcome of a misconduct investigation; and penalties for failing to comply with s. 1001.51 or s. 1012.795.* The district school board policies and procedures shall include appropriate penalties for all personnel of the district school board for nonreporting and procedures for promptly informing the district school superintendent of each legally sufficient complaint. The district school superintendent is charged with knowledge of these policies and procedures and is accountable for the training of all instructional personnel and school administrators of the school district on the standards of ethical conduct, policies, and procedures. If the district school superintendent has knowledge of a legally sufficient complaint and does not report the complaint, or fails to enforce the policies and procedures of the

district school board, and fails to comply with the requirements of this subsection, in addition to other actions against certificateholders authorized by law, the district school superintendent ~~is shall be~~ subject to penalties as specified in s. 1001.51(12). *If the superintendent determines that misconduct by instructional personnel or school administrators who hold an educator certificate affects the health, safety, or welfare of a student, and the misconduct warrants termination, the instructional personnel or school administrators may resign or be terminated, and the superintendent must report the misconduct to the department in the format prescribed by the department. The department shall maintain each report of misconduct as a public record in the instructional personnel's or school administrators' certification files.* This paragraph does not limit or restrict the power and duty of the department to investigate complaints ~~as provided in paragraphs (a) and (b)~~, regardless of the school district's untimely filing, or failure to file, complaints and followup reports.

(e) *If allegations arise against an employee who is certified under s. 1012.56, and employed in an educator-certificated position in any school or by any provider in the state, such school or provider, or governing body thereof, shall file in writing with the department a legally sufficient complaint within 30 days after the date on which the subject matter of the complaint came to the attention of the school or provider. A complaint is legally sufficient if it contains ultimate facts that show a violation has occurred as provided in s. 1012.795 and defined by rule of the State Board of Education. The school or provider shall include all known information relating to the complaint with the filing of the complaint. This paragraph does not limit or restrict the power and duty of the department to investigate complaints, regardless of the school's or the provider's untimely filing, or failure to file, complaints and followup reports.*

(f)(d) Notwithstanding any other law, all law enforcement agencies, state attorneys, social service agencies, district school boards, and the Division of Administrative Hearings shall fully cooperate with and, upon request, shall provide unredacted documents to the Department of Education to further investigations and prosecutions conducted pursuant to this section. Any document received ~~pursuant to this paragraph~~ may not be redisclosed except as authorized by law.

(3) The department staff shall advise the commissioner concerning the findings of the investigation. The department general counsel or members of that staff shall review the investigation and advise the commissioner concerning probable cause or lack thereof. The determination of probable cause shall be made by the commissioner. The commissioner shall provide an opportunity for a conference, if requested, prior to determining probable cause. The commissioner may enter into deferred prosecution agreements in lieu of finding probable cause ~~if, when~~ in his or her judgment, such agreements ~~are would be~~ in the best interests of the department, the certificateholder, and the public. Such deferred prosecution agreements shall become effective when filed with the clerk of the Education Practices Commission. However, a deferred prosecution agreement shall not be entered into ~~if where~~ there is probable cause to believe that a felony or an act of moral turpitude, ~~as defined by rule of the State Board of Education~~, has occurred. Upon finding no probable cause, the commissioner shall dismiss the complaint.

(5) When an allegation of misconduct by instructional personnel or school administrators, as defined in s. 1012.01, is received, ~~if the alleged misconduct affects deemed necessary to protect~~ the health, safety, or welfare of a ~~minor~~ student, the district school superintendent in consultation with the school principal, ~~or may, and~~ upon the request of the Commissioner of Education, ~~must immediately shall, temporarily~~ suspend the instructional personnel or school administrators ~~a certificateholder from the certificateholder's~~ regularly assigned duties, with pay, and reassign the suspended personnel or administrators ~~certificateholder to positions a position that do does not require direct contact with students in the district school system.~~ Such suspension shall continue until the completion of the proceedings and the determination of sanctions, if any, pursuant to this section and s. 1012.795.

Section 61. Paragraph (b) of subsection (4) of section 1012.98, Florida Statutes, is amended to read:

1012.98 School Community Professional Development Act.—

(4) The Department of Education, school districts, schools, community colleges, and state universities share the responsibilities described in this section. These responsibilities include the following:

(b) Each school district shall develop a professional development system as specified in subsection (3). The system shall be developed in consultation with teachers, teacher-educators of community colleges and state universities, business and community representatives, and local education foundations, consortia, and professional organizations. The professional development system must:

1. Be approved by the department. All substantial revisions to the system shall be submitted to the department for review for continued approval.

2. Be based on analyses of student achievement data and instructional strategies and methods that support rigorous, relevant, and challenging curricula for all students. Schools and districts, in developing and refining the professional development system, shall also review and monitor school discipline data; school environment surveys; assessments of parental satisfaction; performance appraisal data of teachers, managers, and administrative personnel; and other performance indicators to identify school and student needs that can be met by improved professional performance.

3. Provide inservice activities coupled with followup support appropriate to accomplish district-level and school-level improvement goals and standards. The inservice activities for instructional personnel shall focus on analysis of student achievement data, ongoing formal and informal assessments of student achievement, identification and use of enhanced and differentiated instructional strategies that emphasize rigor, relevance, and reading in the content areas, enhancement of subject content expertise, integrated use of classroom technology that enhances teaching and learning, classroom management, parent involvement, and school safety.

4. Include a master plan for inservice activities, pursuant to rules of the State Board of Education, for all district employees from all fund sources. The master plan shall be updated annually by September 1, must be based on input from teachers and district and school instructional leaders, and must use the latest available student achievement data and research to enhance rigor and relevance in the classroom. Each district inservice plan must be aligned to and support the school-based inservice plans and school improvement plans pursuant to *s. 1001.42(18)* ~~s. 1001.42(16)~~. District plans must be approved by the district school board annually in order to ensure compliance with subsection (1) and to allow for dissemination of research-based best practices to other districts. District school boards must submit verification of their approval to the Commissioner of Education no later than October 1, annually.

5. Require each school principal to establish and maintain an individual professional development plan for each instructional employee assigned to the school as a seamless component to the school improvement plans developed pursuant to *s. 1001.42(18)* ~~s. 1001.42(16)~~. The individual professional development plan must:

a. Be related to specific performance data for the students to whom the teacher is assigned.

b. Define the inservice objectives and specific measurable improvements expected in student performance as a result of the inservice activity.

c. Include an evaluation component that determines the effectiveness of the professional development plan.

6. Include inservice activities for school administrative personnel that address updated skills necessary for instructional leadership and effective school management pursuant to *s. 1012.986*.

7. Provide for systematic consultation with regional and state personnel designated to provide technical assistance and evaluation of local professional development programs.

8. Provide for delivery of professional development by distance learning and other technology-based delivery systems to reach more educators at lower costs.

9. Provide for the continuous evaluation of the quality and effectiveness of professional development programs in order to eliminate ineffective programs and strategies and to expand effective ones. Evaluations must consider the impact of such activities on the performance of participating educators and their students' achievement and behavior.

Section 62. Subsection (4) of section 1013.03, Florida Statutes, is amended to read:

1013.03 Functions of the department and the Board of Governors.— The functions of the Department of Education as it pertains to educational facilities of school districts and community colleges and of the Board of Governors as it pertains to educational facilities of state universities shall include, but not be limited to, the following:

(4) Require each board and other appropriate agencies to submit complete and accurate financial data as to the amounts of funds from all sources that are available and spent for construction and capital improvements. The commissioner shall prescribe the format and the date for the submission of this data and any other educational facilities data. If any district does not submit the required educational facilities fiscal data by the prescribed date, the Commissioner of Education shall notify the district school board of this fact and, if appropriate action is not taken to immediately submit the required report, the district school board shall be directed to proceed pursuant to *s. 1001.42(13)(b)* ~~the provisions of s. 1001.42(11)(b)~~. If any community college or university does not submit the required educational facilities fiscal data by the prescribed date, the same policy prescribed in this subsection for school districts shall be implemented.

Section 63. *The sum of \$153,872 is appropriated from the Educational Certification and Services Trust Fund to the Department of Education for the 2008-2009 fiscal year, and two additional full-time equivalent positions and associated salary rate of 90,088 are authorized, for the purpose of implementing this act.*

And the title is amended as follows:

On line(s) 1431, after the semicolon (;) insert: amending *s. 24.121, F.S.*, relating to public school funding; conforming cross-references; amending *s. 112.3173, F.S.*; specifying certain felony offenses against a minor as additional offenses that constitute a breach of the public trust; requiring a person committing such an offense to forfeit benefits under certain public retirement systems; amending *s. 121.091, F.S.*; prohibiting the Division of Retirement from paying benefits to a member who commits certain felony offenses against a minor; conforming a cross-reference; creating *ss. 794.09 and 800.05, F.S.*; providing notice in the criminal statutes that certain retirement benefits are subject to forfeiture for committing certain felony offenses against a minor; amending *s. 1001.10, F.S.*; requiring the Department of Education to assist school districts, charter schools, the Florida School for the Deaf and the Blind, and private schools that accept school choice scholarship students in developing policies, procedures, and training related to employment practices and standards of ethical conduct; requiring the department to provide authorized staff with access to certain databases for employment history verification; amending *s. 1001.32, F.S.*, relating to school administration; conforming a cross-reference; amending *s. 1001.42, F.S.*; requiring each district school board to adopt standards of ethical conduct and provide training for instructional personnel and school administrators; prohibiting confidentiality agreements regarding terminated or dismissed instructional personnel and school administrators which have the effect of concealing certain misconduct; prohibiting a school district from providing employment references for specified personnel and administrators except under certain circumstances; requiring a person who committed certain crimes to be disqualified from employment in certain positions in a district school system under specified conditions; providing that a district school board official who knowingly signs and transmits a false or incorrect report, or fails to adopt certain policies, forfeits his or her salary for a specified period; amending *s. 1001.452, F.S.*, relating to district and school advisory councils; conforming cross-references; amending *s. 1001.51, F.S.*; providing that a district school superintendent forfeits his or her salary for a specified period following failure to investigate and report allegations of certain misconduct by specified personnel or administrators; amending *ss. 1001.54 and 1002.32, F.S.*, relating to duties of principals and laboratory schools; conforming cross-references; amending *s. 1002.33, F.S.*; requiring a person who committed certain crimes to be disqualified from employment in certain positions in a charter school under specified conditions; requiring charter schools to adopt standards of ethical conduct and provide training for all instructional personnel and school administrators; prohibiting confidentiality agreements regarding terminated or dismissed instructional personnel and school administrators which have the effect of concealing certain misconduct; prohibiting a charter school from providing employment references for specified personnel and administrators except under certain circumstances; requiring a charter school to

contact the previous employer, and verify the employment history against certain databases, of persons seeking employment in certain positions; requiring a charter school's sponsor to terminate the school's charter for failing to comply with these requirements; amending s. 1002.36, F.S.; requiring the Florida School for the Deaf and the Blind to meet certain requirements governing the screening of personnel; amending s. 1002.421, F.S.; requiring a person who committed certain crimes to be disqualified from employment in certain positions in a private school that accepts certain scholarship students under specified conditions; requiring certain private schools to adopt standards of ethical conduct and provide training for all instructional personnel and school administrations; prohibiting confidentiality agreements regarding terminated or dismissed instructional personnel or school administrators which have the effect of concealing certain misconduct; prohibiting a private school from providing employment references for specified personnel and administrators except under certain circumstances; requiring a private school to contact the previous employer, and verify the employment history against certain databases, of persons seeking employment in certain positions; requiring the Department of Education to suspend enrollment of new students and the payment of funds to a private school failing to comply with these requirements; amending ss. 1003.413, 1003.53, and 1004.92, F.S., relating to educational instruction and programs; conforming cross-references; amending s. 1006.061, F.S.; requiring district school boards, charter schools, and private schools that accept certain scholarship students to post policies for reporting child abuse and misconduct by specified personnel and administrators; requiring the principal of such schools to act as a liaison in suspected cases of child abuse; requiring the Department of Education to publish sample notices; amending ss. 1008.33, 1008.345, 1010.215, and 1011.18, F.S., relating to accountability procedures; conforming cross-references; amending s. 1012.27, F.S.; requiring the district school superintendent to contact the previous employer, and verify the employment history against certain databases, of persons seeking employment in certain positions; creating s. 1012.315, F.S.; specifying offenses that disqualify instructional personnel and school administrations from employment in certain positions that require direct contact with students; amending s. 1012.32, F.S.; requiring specified personnel or administrators who committed certain crimes to be disqualified from employment in certain positions in a district school system or charter school under specified conditions; amending s. 1012.33, F.S.; providing that just cause for terminating instructional staff includes immorality or commission of certain crimes; amending s. 1012.34, F.S., relating to assessment procedures; conforming a cross-reference; amending s. 1012.56, F.S., relating to certification requirements for educators; revising requirements for conducting state and national federal criminal records checks of persons seeking certification; requiring a person who committed certain crimes to be ineligible for certification under specified conditions; providing for the Department of Education to maintain educator records in an electronic database; amending s. 1012.79, F.S.; providing for additional members to be appointed to the Education Practices Commission; revising the composition of panels appointed to review complaints against teachers and administrators; amending s. 1012.795, F.S.; providing for the suspension of the educator certificate of a person who knowingly fails to report child abuse or misconduct by specified personnel or administrators; clarifying authority of the commission to discipline educators who commit certain crimes; amending s. 1012.796, F.S.; requiring the Department of Education to investigate each complaint involving misconduct by certificated personnel; clarifying what constitutes a legally sufficient complaint; providing requirements for school board policies and procedures relating to standards of ethical conduct; providing that the district school superintendent is accountable for training of instructional personnel and school administrators on the standards, policies, and procedures; requiring employers of certificated personnel to report misconduct by such personnel to the Department of Education; requiring that instructional personnel or school administrators be immediately suspended and reassigned under certain circumstances; amending ss. 1012.98 and 1013.03, F.S., relating to the School Community Professional Development Act and functions of the Department of Education and Board of Governors; conforming cross-references; providing an appropriation and authorizing additional positions;

## MOTION

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

Senator Deutch moved the following amendments to **Amendment 1** which were adopted:

**Amendment 1H (313098)(with title amendment)**—Between line(s) 1142 and 1143 insert:

Section 24. Paragraph (a) of subsection (3) of section 1012.34, Florida Statutes, is amended to read:

1012.34 Assessment procedures and criteria.—

(3) The assessment procedure for instructional personnel and school administrators must be primarily based on the performance of students assigned to their classrooms or schools, as appropriate. ~~Pursuant to this section, a school district's performance assessment is not limited to basing unsatisfactory performance of instructional personnel and school administrators upon student performance, but may include other criteria approved to assess instructional personnel and school administrators' performance, or any combination of student performance and other approved criteria.~~ The procedures must comply with, but are not limited to, the following requirements:

(a) An assessment must be conducted for each employee at least once a year. The assessment must be based upon sound educational principles and contemporary research in effective educational practices. The assessment must primarily use data and indicators of improvement in student performance assessed annually as specified in s. 1008.22 and may consider results of peer reviews in evaluating the employee's performance. Student performance must be measured by state assessments required under s. 1008.22 and by local assessments for subjects and grade levels not measured by the state assessment program. The assessment criteria must include, but are not limited to, indicators that relate to the following:

1. Performance of students.
2. Ability to maintain appropriate discipline.
3. Knowledge of subject matter. The district school board shall make special provisions for evaluating teachers who are assigned to teach out-of-field.
4. Ability to plan and deliver instruction and the use of technology in the classroom.
5. Ability to evaluate instructional needs.
6. Ability to establish and maintain a positive collaborative relationship with students' families to increase student achievement.
7. Other professional competencies, responsibilities, and requirements as established by rules of the State Board of Education and policies of the district school board.

*Pursuant to this section, a school district may determine that the performance of instructional personnel and school administrators is unsatisfactory based upon student performance and other criteria approved to assess instructional personnel and school administrators' performance or any combination thereof.*

And the title is amended as follows:

On line(s) 1415, after the first semicolon (;) insert: amending s. 1012.34, F.S.; revising provisions relating to assessment procedures and criteria for instructional personnel and school administrators; authorizing a school district to determine that the performance of instructional personnel and school administrators is unsatisfactory based on student performance and certain approved criteria;

**Amendment 1I (299398)(with title amendment)**—Between lines 1295 and 1296 insert:

Section 29. (1) *School districts are encouraged to enter into partnerships with local businesses for purposes of mentorship opportunities, the development of employment options and additional funding sources, and other mutual benefits.*

(2) *As a pilot program through June 30, 2011, the Palm Beach County school district may recognize its business partners by publicly displaying such business partners' names on school district property in the unincorporated areas. "Project Graduation" and athletic sponsorships are examples of appropriate recognition. The district shall make every effort to display its business partners' names in a manner that is*

*consistent with the county standards for uniformity in size, color, and placement of signs. If the provisions of this section are inconsistent with the county ordinances or regulations relating to signs in the unincorporated areas or inconsistent with chapter 125, chapter 166, or chapter 479, Florida Statutes, the provisions of this section prevail.*

And the title is amended as follows:

On line 1431, after the semicolon (;) insert: encouraging school districts to enter into partnerships with local businesses for certain purposes; authorizing the Palm Beach County school district to recognize its business partners by displaying such business partners' names on school district property in unincorporated areas if displayed in a manner consistent with certain standards;

**Amendment 1** as amended was adopted.

Pursuant to Rule 4.19, **CS for HB 7045** as amended was placed on the calendar of Bills on Third Reading.

---

Consideration of **CS for CS for SB 1962** and **CS for CS for CS for SB 1978** was deferred.

On motion by Senator Oelrich, by two-thirds vote **CS for HB 173** was withdrawn from the Committees on Criminal Justice; and Judiciary.

On motion by Senator Oelrich—

**CS for HB 173**—A bill to be entitled An act relating to controlled substances; amending s. 893.02, F.S.; defining the term “cultivating” for specified purposes; amending s. 893.1351, F.S.; prohibiting a person from owning or actually or constructively possessing a place, structure, trailer, or other described place with knowledge that the place will be used to manufacture, sell, or traffic in a controlled substance; providing that possession of a specified number or more of cannabis plants constitutes prima facie evidence of intent to sell or distribute; providing that a person with actual or constructive possession of a place, structure, trailer, or conveyance being used to manufacture a controlled substance for sale and distribution commits a felony of the first degree if a minor is present or resides in the place, structure, trailer, or conveyance; providing criminal penalties; amending s. 893.10, F.S.; providing that equipment used in the manufacture of controlled substances may be photographed or video recorded and the photograph or video recording used as evidence for later use at trial; providing for the destruction of the equipment; amending s. 921.0022, F.S.; ranking specified offenses in the offense severity ranking chart of the Criminal Punishment Code; amending ss. 465.016, 465.023, and 893.135, F.S.; conforming cross-references; providing an effective date.

—a companion measure, was substituted for **CS for SB 390** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 173** was placed on the calendar of Bills on Third Reading.

By Senator Lynn—

**CS for CS for SB 652**—A bill to be entitled An act relating to workplace safety; creating the Florida Public Task Force on Workplace Safety within the Safety Florida Consultation Program at the University of South Florida; providing purpose of the task force; providing for membership; requiring that the task force address certain issues concerning workplace safety in the public and private sectors; providing for staffing; providing for members to serve without compensation but to be reimbursed for per diem and travel expenses; authorizing the task force to procure information or assistance from any officer or agency of the state; requiring that such officers or agencies provide information and assistance to the task force; requiring that the task force submit a report and recommendations to the Governor, the Chief Financial Officer, and the Legislature by a specified date; requiring that the report include certain information; providing for dissolution of the task force; providing an appropriation; providing an effective date.

—was read the second time by title.

**MOTION**

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

Senator Lynn moved the following amendment which was adopted:

**Amendment 1 (346678)**—Delete line(s) 32-34 and insert: *1993, with the exception of standards pertaining to firefighters and fire departments.*

Pursuant to Rule 4.19, **CS for CS for SB 652** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Aronberg, by two-thirds vote **CS for HB 225** was withdrawn from the Committees on Commerce; and Criminal Justice.

On motion by Senator Aronberg—

**CS for HB 225**—A bill to be entitled An act relating to telephone caller identification; providing a short title; creating s. 817.487, F.S.; prohibiting entering or causing to be entered false information into a telephone caller identification system with the intent to deceive, defraud, or mislead; prohibiting placing a call knowing that false information was entered into the telephone caller identification system; providing definitions; providing exceptions; providing penalties; providing that a violation is an unlawful trade practice under specified provisions; providing for enhancement of penalties when a violation is committed during the commission of a criminal offense or when a violation facilitates a criminal offense; providing an effective date.

—a companion measure, was substituted for **CS for SB 694** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 225** was placed on the calendar of Bills on Third Reading.

On motion by Senator Baker, by two-thirds vote **HB 669** was withdrawn from the Committees on Education Pre-K - 12; and Criminal Justice.

On motion by Senator Baker—

**HB 669**—A bill to be entitled An act relating to school safety; creating s. 1006.147, F.S.; providing a short title; prohibiting bullying and harassment of any student or employee of a public K-12 educational institution; providing definitions; requiring each school district to adopt a policy prohibiting such bullying and harassment; providing minimum requirements for the contents of the policy; requiring the Department of Education to develop a model policy; providing immunity; providing restrictions with respect to defense of an action and application of the section; requiring department approval of a school district's policy and school district compliance with reporting procedures as prerequisites to receipt of safe schools funds; requiring a report on implementation; providing for construction; providing for severability; providing an effective date.

—a companion measure, was substituted for **CS for SB 790** and read the second time by title. On motion by Senator Baker, by two-thirds vote **HB 669** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Posey	Siplin	Webster
Rich	Storms	Wilson
Ring	Villalobos	Wise
Saunders		
Nays—None		

---

On motion by Senator Fasano, by two-thirds vote **CS for HB 643** was withdrawn from the Committees on Banking and Insurance; and Judiciary.

On motion by Senator Fasano—

**CS for HB 643**—A bill to be entitled An act relating to foreclosure fraud; creating s. 501.1377, F.S.; providing legislative findings and intent with respect to the need to protect homeowners who enter into agreements designed to save their homes from foreclosure; providing definitions; prohibiting a foreclosure-rescue consultant from engaging in certain acts or failing to perform contracted services; requiring that all agreements for foreclosure-related rescue services and foreclosure-rescue transactions be in writing; specifying information that must be in the written agreement; requiring that certain statements in the written agreement be in uppercase letters and of a specified size; providing that the homeowner has a right to cancel the agreement for a specified period and the right may not be waived; providing that the homeowner has a specified period during which to cure a default under certain circumstances; requiring equity purchasers to assume or discharge certain liens; requiring that an equity purchaser verify the homeowner's ability to make payments under a repurchase agreement; providing price limitations for repurchase transactions; providing for a rebuttable presumption of certain transactions being unconscionable under certain circumstances; providing for limited application of the presumption; providing an exclusion; providing that a foreclosure-rescue transaction involving a lease option or other repurchase agreement creates a rebuttable presumption that the transaction is a loan transaction and the conveyance from the homeowner to the equity purchaser is a mortgage; providing limited application of the presumption; providing an exclusion; providing that a person who violates certain provisions commits an unfair and deceptive trade practice as defined in part II of ch. 501, F.S.; providing penalties; repealing s. 501.2078, F.S., relating to violations involving individual homeowners during the course of residential foreclosure proceedings; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 992** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 643** was placed on the calendar of Bills on Third Reading.

---

On motion by Senator Peaden, by two-thirds vote **HB 461** was withdrawn from the Committees on Banking and Insurance; and Health and Human Services Appropriations.

On motion by Senator Peaden—

**HB 461**—A bill to be entitled An act relating to health flex plans; amending s. 408.909, F.S.; revising eligibility for enrollment in a health flex plan; extending the expiration date of the health flex plan program; providing an effective date.

—a companion measure, was substituted for **SB 1022** and read the second time by title.

Pursuant to Rule 4.19, **HB 461** was placed on the calendar of Bills on Third Reading.

---

On motion by Senator Fasano, by two-thirds vote **CS for HB 559** was withdrawn from the Committees on Criminal Justice; Commerce; and Judiciary.

On motion by Senator Fasano—

**CS for HB 559**—A bill to be entitled An act relating to material harmful to minors; amending s. 847.001, F.S.; redefining the term "harmful to minors"; amending s. 847.011, F.S.; providing that it is a

third-degree felony for any person to sell, distribute, transmit, advertise, or possess with the intent to sell, distribute, transmit, or advertise certain materials to minors; providing that ignorance of a minor's age or the minor's consent is not a defense in a prosecution for such a violation; providing penalties; amending s. 847.012, F.S.; prohibiting a person from knowingly using a minor in the production of certain materials, regardless of whether those materials are intended for distribution to minors or actually distributed to minors; providing a penalty; providing that ignorance of a minor's age or the minor's consent is not a defense in a prosecution for specified violations; amending s. 847.013, F.S.; providing that ignorance of a minor's age or the minor's consent is not a defense in a prosecution for specified violations; revising legislative intent concerning the enforcement of such laws with respect to minors; amending s. 847.0133, F.S.; revising terminology; amending s. 921.0022, F.S., relating to the offense severity ranking chart of the Criminal Punishment Code; establishing offense levels to conform to changes made by the act; providing an exemption to sections amended by this act for providers of communications services and providers of information services in certain circumstances; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1128** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 559** was placed on the calendar of Bills on Third Reading.

---

**CS for CS for SB 1208**—A bill to be entitled An act relating to water pollution control; amending s. 403.067, F.S.; providing requirements for basin management action plans; allowing such plans to take into account the benefits of pollutant load reduction achieved by point or nonpoint sources, where appropriate; requiring that the Department of Environmental Protection adopt all or part of any such plan, or any amendment thereto, by secretarial order as provided by state law; providing that the provisions of the department's rule relating to the equitable abatement of pollutants into surface waters may not be applied to water bodies or water body segments for which a basin management plan that takes into account future or new expanded activities or discharges has been adopted; authorizing water quality protection programs to include the trading of water quality credits; authorizing the department to adopt rules related to the trading of water quality credits; requiring that such rulemaking include certain provisions; specifying that a water quality credit trading pilot project be limited to the Lower St. Johns River Basin as a pilot project; requiring that the department provide the Legislature with an annual report regarding the effectiveness of the pilot project; providing report requirements; providing that the department may authorize and establish specific requirements for water quality credit trading as part of the Lower St. Johns River Basin adopted basin management action plan; correcting cross-references to conform to changes made by the act; amending s. 403.088, F.S.; authorizing the department to revise a water pollution operation permit under certain circumstances; authorizing the department to issue, renew, or reissue such a permit if a water quality credit trade meets the requirements of 403.067, F.S.; requiring that revised permits be accompanied by an order establishing a schedule for achieving compliance with all permit conditions; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for CS for SB 1208** to **CS for HB 547**.

Pending further consideration of **CS for CS for SB 1208** as amended, on motion by Senator Gaetz, by two-thirds vote **CS for HB 547** was withdrawn from the Committees on Environmental Preservation and Conservation; and Community Affairs.

On motion by Senator Gaetz—

**CS for HB 547**—A bill to be entitled An act relating to water pollution control; amending s. 403.067, F.S.; providing requirements for basin management action plans; allowing such plans to take into account the benefits of pollutant load reduction achieved by point or nonpoint sources, where appropriate; requiring that the Department of Environmental Protection adopt all or part of any such plan, or any amendment thereto, by secretarial order as provided by state law; providing that the provisions of the department's rule relating to the equitable abatement of pollutants into surface waters may not be applied to water bodies or

water body segments for which a basin management plan that takes into account future or new expanded activities or discharges has been adopted; authorizing water quality protection programs to include the trading of water quality credits; authorizing the department to adopt rules related to the trading of water quality credits; requiring that such rulemaking include certain provisions; specifying that a water quality credit trading pilot project be limited to the Lower St. Johns River Basin as a pilot project; requiring that the department provide the Legislature with an annual report regarding the effectiveness of the pilot project; providing report requirements; providing that the department may authorize and establish specific requirements for water quality credit trading as part of the Lower St. Johns River Basin adopted basin management action plan; correcting cross-references to conform to changes made by the act; amending s. 403.088, F.S.; authorizing the department to revise a water pollution operation permit under certain circumstances; authorizing the department to issue, renew, or reissue such a permit if a water quality credit trade meets the requirements of 403.067, F.S.; requiring that revised permits be accompanied by an order establishing a schedule for achieving compliance with all permit conditions; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1208** as amended and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 547** was placed on the calendar of Bills on Third Reading.

**CS for CS for SB 1310**—A bill to be entitled An act relating to sellers of travel; amending s. 559.927, F.S.; revising the definition of “prearranged travel, tourist-related services, or tour-guide services”; defining “certifying party” and “terrorist state”; amending s. 559.928, F.S.; revising provisions relating to registration as a seller of travel; revising registration fees; creating s. 559.9285, F.S.; requiring a seller of travel to annually certify to the Department of Agriculture and Consumer Services the scope of its business activities by filing a disclosure statement; categorizing certifying parties; providing requirements of a certifying party that changes its scope of business; requiring that such certifying party provide to the department an appropriate bond; requiring the department to specify by rule the form of certification; specifying required certification information; amending s. 559.929, F.S.; revising requirements with respect to the performance bond that must accompany registration or an application for registration as a seller of travel; specifying amounts of bonds for certification categories; eliminating alternative means of satisfying security requirements; providing for priority of payment with respect to such bonds; revising conditions under which the department may annually waive the bond; precluding specified certification categories from waiver of bond; amending s. 559.935, F.S.; providing that it is a violation of the Florida Sellers of Travel Act to offer to sell, at wholesale or retail, prearranged travel, tourist-related services, or tour-guide services for individuals or groups directly to any terrorist state which originate in Florida without disclosing such business activities in a certification filed with the department and to violate any state or federal law restricting or prohibiting commerce with terrorist states; amending s. 559.935, F.S.; revising provisions that exempt certain sellers of travel and affiliates thereof from specified registration, security, disclosure, and recordkeeping requirements; amending s. 559.9355, F.S.; imposing an administrative fine for each act or omission in violation of the prohibited offer to sell, at wholesale or retail, prearranged travel, tourist-related services, or tour-guide services for individuals or groups directly to any terrorist state which originate in Florida without disclosing such business activities in a certification or in violation of any state or federal law restricting or prohibiting commerce with terrorist states; amending s. 559.936, F.S.; authorizing the department to seek a specified civil penalty for each act or omission in violation of the prohibited offer to sell, at wholesale or retail, prearranged travel, tourist-related services, or tour-guide services for individuals or groups directly to any terrorist state which originate in Florida without disclosing such business activities in a certification or in violation of any state or federal law restricting or prohibiting commerce with terrorist states; amending s. 559.937, F.S.; providing a criminal penalty for a violation of the Florida Sellers of Travel Act which directly or indirectly pertains to an offer to sell, at wholesale or retail, prearranged travel, tourist-related services, or tour-guide services for individuals or groups directly to any terrorist state which originate in Florida; providing an effective date.

—was read the second time by title. On motion by Senator Baker, by two-thirds vote **CS for CS for SB 1310** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—2

Dockery Rich

Vote after roll call:

Yea—Joyner

By Senator Wise—

**SB 1554**—A bill to be entitled An act relating to firesafety; creating s. 633.027, F.S.; requiring owners of certain structures to post certain signs or symbols on the structures; requiring the State Fire Marshal to adopt rules governing such signs or symbols; providing for enforcement; providing penalties; providing an effective date.

—was read the second time by title.

The Committee on Banking and Insurance recommended the following amendment which was moved by Senator Wise and failed:

**Amendment 1 (422400)**—Delete line(s) 32 and insert:

(3) *The State Fire Marshal and local fire officials, in accordance with s. 633.121, shall enforce the provisions*

The Committee on Community Affairs recommended the following amendment which was moved by Senator Wise and adopted:

**Amendment 2 (914312)(with title amendment)**—Delete everything after the enacting clause and insert:

Section 1. *This act may be cited as the “Aldridge/Benge Firefighter Safety Act.”*

Section 2. Section 633.027, Florida Statutes, is created to read:

633.027 *Structures built with light-frame truss-type construction; no-time requirements; enforcement.—*

(1) *The owner of any commercial or industrial structure, or any multiunit residential structure of three units or more, that uses light-frame truss-type construction shall mark the structure with a sign or symbol approved by the State Fire Marshal in a manner sufficient to warn persons conducting fire control and other emergency operations of the existence of light-frame truss-type construction in the structure.*

(2) *The State Fire Marshal shall adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this section, including, but not limited to:*

(a) *The dimensions and color of such sign or symbol.*

(b) *The time within which commercial, industrial, and multiunit residential structures that use light-frame truss-type construction shall be marked as required by this section.*

(c) *The location on each commercial, industrial, and multiunit residential structure that uses light-frame truss-type construction where such sign or symbol must be posted.*

(3) *The State Fire Marshal, and local fire officials in accordance with s. 633.121, shall enforce the provisions of this section. Any owner who*

fails to comply with the requirements of this section is subject to penalties as provided in s. 633.161.

Section 3. Subsection (12) is added to section 633.0215, Florida Statutes, to read:

633.0215 Florida Fire Prevention Code.—

(12) *Notwithstanding other provisions of this section, the State Fire Marshal must study the use of managed, facilities-based voice over Internet protocol telephone service for monitoring fire alarm signals. If the study determines that voice over Internet protocol telephone service technology provides a level of protection equivalent to that required by NFPA 72: National Fire Alarm Code, the State Fire Marshal must initiate rulemaking pursuant to ss. 120.536(1) and 120.54 by December 1, 2008, to allow the use of this technology as an additional method of monitoring fire alarm systems.*

Section 4. Paragraph (b) of subsection (1) and paragraph (a) of subsection (4) of section 633.022, Florida Statutes, are amended to read:

633.022 Uniform firesafety standards.—The Legislature hereby determines that to protect the public health, safety, and welfare it is necessary to provide for firesafety standards governing the construction and utilization of certain buildings and structures. The Legislature further determines that certain buildings or structures, due to their specialized use or to the special characteristics of the person utilizing or occupying these buildings or structures, should be subject to firesafety standards reflecting these special needs as may be appropriate.

(1) The department shall establish uniform firesafety standards that apply to:

(b) All new, existing, and proposed hospitals, nursing homes, assisted living facilities, adult family-care homes, correctional facilities, public schools, transient public lodging establishments, public food service establishments, elevators, migrant labor camps, mobile home parks, lodging parks, recreational vehicle parks, recreational camps, residential and nonresidential child care facilities, facilities for the developmentally disabled, motion picture and television special effects productions, tunnels, and self-service gasoline stations, of which standards the State Fire Marshal is the final administrative interpreting authority.

~~If in the event~~ there is a dispute between the owners of the buildings specified in paragraph (b) and a local authority requiring a more stringent uniform firesafety standard for sprinkler systems, the State Fire Marshal shall be the final administrative interpreting authority and the State Fire Marshal's interpretation regarding the uniform firesafety standards shall be considered final agency action.

(4)(a) Notwithstanding any provision of law to the contrary, each nursing home licensed under part II of chapter 400 shall be protected *throughout* by an approved, supervised automatic sprinkler system in accordance with s. 9 of National Fire Protection Association, Inc., Life Safety Code, ~~in accordance with the following schedule:~~

~~1. Each hazardous area of each nursing home shall be protected by an approved, supervised automatic sprinkler system by no later than December 31, 2008.~~

~~2. Each entire nursing home shall be protected by an approved, supervised automatic sprinkler system by no later than December 31, 2010. A nursing home licensee shall submit complete sprinkler construction documents to the Agency for Health Care Administration for review by December 31, 2008, and the licensee must gain final approval to start construction from the agency by June 30, 2009. The agency shall grant a 6-month extension to a nursing home licensee if the completion and submission of the sprinkler construction documents are contingent upon the approval of the application for the loan guarantee program authorized under s. 633.0245. In such case, the agency may extend the deadline for final approval to begin construction beyond June 30, 2009, but the deadline may not be extended beyond December 31, 2009.~~

Section 5. Subsection (9) of section 633.0245, Florida Statutes, is amended to read:

633.0245 State Fire Marshal Nursing Home Fire Protection Loan Guarantee Program.—

(9) ~~An~~ application for participation in the State Fire Marshal Nursing Home Fire Protection Loan Guarantee Program may *not* be accepted by the State Fire Marshal after *July 1, 2009* ~~June 30, 2006~~.

Section 6. This act shall take effect July 1, 2008.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to firesafety; providing a short title; creating s. 633.027, F.S., requiring owners of certain structures with light-frame truss-type construction to mark such structures with signs or symbols; requiring the State Fire Marshal to adopt rules governing the size, color and placement of such signs and symbols; providing for enforcement; providing penalties; amending s. 663.0215, F.S., requiring the State Fire Marshal to conduct a study on the use of voice over Internet protocol telephone service for monitoring fire alarm systems; requiring rulemaking under certain conditions; amending s. 633.022, F.S.; revising provisions relating to uniform firesafety standards to include application to tunnels; revising requirements pertaining to supervised automatic sprinkler systems within nursing homes; requiring a nursing home licensee to submit complete sprinkler construction documents to the Agency for Health Care Administration by a specified date; requiring such licensee to gain final approval from the agency to start construction by a specified date; authorizing the agency to extend the deadline under certain circumstances; amending s. 633.0245, F.S.; changing the application deadline for participation in the State Fire Marshal Nursing Home Loan Guarantee Program; providing an effective date.

Pursuant to Rule 4.19, **SB 1554** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Alexander, by two-thirds vote **CS for HB 197** was withdrawn from the Committees on Agriculture; Governmental Operations; and Judiciary.

On motion by Senator Alexander—

**CS for HB 197**—A bill to be entitled An act relating to pest control; creating s. 570.345, F.S., the Pest Control Compact; providing for enactment of the compact; requiring the Commissioner of Agriculture to administer the compact; requiring that an application for assistance under the compact be made by the commissioner; providing for crediting of funds to appropriate accounts of a state treasury under certain circumstances; providing findings with respect to the need for all states to cooperate in pest-eradication and control programs; providing definitions; providing for the establishment of the Pest Control Insurance Fund for the purpose of financing pest-control operations under the compact; specifying sources of funds deposited into the Pest Control Insurance Fund and any conditions that may be placed on such funds; providing for the Pest Control Insurance Fund to be administered by a Governing Board and Executive Committee; providing for the internal operations and management of the Governing Board; requiring an annual report to the Governor and Legislature of each state that is a party to the compact; providing for the administration of the compact and the Pest Control Insurance Fund; providing procedures for applying for an expenditure from the fund; providing for a determination with respect to expenditures from the fund and for the review thereof; authorizing the Governing Board to establish advisory and technical committees; providing for an application for assistance from the fund on behalf of a non-party state; providing requirements for the fund with respect to preparing budgets and maintaining financial assets; prohibiting a pledge of the assets of a state that is a party to the compact; providing for the compact to enter into force upon its enactment by five or more states; providing a procedure for a state to withdraw from the compact; providing for construction and severability; providing an effective date.

—a companion measure, was substituted for **SB 1638** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 197** was placed on the calendar of Bills on Third Reading.

On motion by Senator Posey, by two-thirds vote **HB 7033** was withdrawn from the Committees on Judiciary; and Community Affairs.

On motion by Senator Posey—

**HB 7033**—A bill to be entitled An act relating to public records; renumbering and amending s. 119.0711(1), F.S.; transferring provisions which provide a public records exemption for complaints and other records in the custody of any agency in the executive branch of state government which relate to a complaint of discrimination; expanding the exemption to provide for applicability to any agency rather than any agency in the executive branch of state government; amending s. 119.071, F.S.; reorganizing provisions; providing for review and repeal of the exemption; providing a statement of public necessity; amending s. 338.223, F.S.; conforming a cross-reference; providing an effective date.

—a companion measure, was substituted for **CS for SB 2484** and read the second time by title.

Pursuant to Rule 4.19, **HB 7033** was placed on the calendar of Bills on Third Reading.

On motion by Senator Storms, by two-thirds vote **CS for HB 1429** was withdrawn from the Committees on Children, Families, and Elder Affairs; Governmental Operations; and Health and Human Services Appropriations.

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

**CS for HB 1429**—A bill to be entitled An act relating to mental health and substance abuse services; amending s. 394.9082, F.S.; providing legislative findings and intent; providing definitions; providing service delivery strategies; providing for data sharing agreements; establishing a process for the Department of Children and Family Services to contract with community-based managing entities; specifying criteria for contracts between the department and managing entities for the provision of behavioral health services; establishing goals for service delivery; creating community-based systems of care; authorizing the implementation of managing entities by the department; specifying responsibilities of managing entities; specifying roles and responsibilities of the department; specifying management information system requirements; providing for evaluations and reports; providing for a monitoring process; providing rulemaking authority; providing an effective date.

—a companion measure, was substituted for **CS for CS for CS for SB 2626** and read the second time by title.

Senator Storms moved the following amendment:

**Amendment 1 (232320)(with title amendment)**—Delete every-thing after the enacting clause and insert:

Section 1. Section 394.9082, Florida Statutes, is amended to read:

*(Substantial rewording of section. See s. 394.9082, F.S., for present text.)*

394.9082 Behavioral health managing entities.—

(1) **LEGISLATIVE FINDINGS AND INTENT.**—*The Legislature finds that untreated behavioral health disorders constitute major health problems for residents of this state, are a major economic burden to the citizens of this state, and substantially increase demands on the state’s juvenile and adult criminal justice systems, the child welfare system, and health care systems. The Legislature finds that behavioral health disorders respond to appropriate treatment, rehabilitation, and supportive intervention. The Legislature finds that it has made a substantial long-term investment in the funding of the community-based behavioral health prevention and treatment service systems and facilities in order to provide critical emergency, acute care, residential, outpatient, and rehabilitative and recovery-based services. The Legislature finds that local communities have also made substantial investments in behavioral health services, contracting with safety net providers who by mandate and mission provide specialized services to vulnerable and hard-to-serve populations and have strong ties to local public health and public safety agencies. The Legislature finds that a management structure that places the responsibility for publicly financed behavioral health treatment and prevention services within a single private, nonprofit entity at the local level will promote improved access to care, promote service continuity, and provide for more efficient and effective delivery of substance abuse*

*and mental health services. The Legislature finds that streamlining administrative processes will create cost efficiencies and provide flexibility to better match available services to consumers’ identified needs.*

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

(a) *“Behavioral health services” means mental health services and substance abuse prevention and treatment services as defined in this chapter and chapter 397 which are provided using state and federal funds.*

(b) *“Decisionmaking model” means a comprehensive management information system needed to answer the following management questions at the federal, state, regional, circuit, and local provider levels: who receives what services from which providers with what outcomes and at what costs?*

(c) *“Geographic area” means a county, circuit, regional, or multiregional area in this state.*

(d) *“Managing entity” means a corporation that is organized in this state, is designated or filed as a nonprofit organization under s. 501(c)3 of the Internal Revenue Service, and is under contract to the department to manage the day-to-day operational delivery of behavioral health services through an organized system of care.*

(e) *“Provider networks” mean the direct service agencies that are under contract with a managing entity and that together constitute a comprehensive array of emergency, acute care, residential, outpatient, recovery support, and consumer support services.*

(3) **SERVICE DELIVERY STRATEGIES.**—*The department may work through managing entities to develop service delivery strategies that will improve the coordination, integration, and management of the delivery of behavioral health services to people who have mental or substance use disorders. It is the intent of the Legislature that a well-managed service delivery system will increase access for those in need of care, improve the coordination and continuity of care for vulnerable and high-risk populations, and redirect service dollars from restrictive care settings to community-based recovery services.*

(4) **CONTRACT FOR SERVICES.**—

(a) *The department may contract for the purchase and management of behavioral health services with community-based managing entities. The department may require a managing entity to contract for specialized services that are not currently part of the managing entity’s network if the department determines that to do so is in the best interests of consumers of services. The secretary shall determine the schedule for phasing in contracts with managing entities. The managing entities shall, at a minimum, be accountable for the operational oversight of the delivery of behavioral health services funded by the department and for the collection and submission of the required data pertaining to these contracted services. A managing entity shall serve a geographic area designated by the department. The geographic area must be of sufficient size in population and have enough public funds for behavioral health services to allow for flexibility and maximum efficiency.*

(b) *The operating costs of the managing entity contract shall be funded through funds from the department and any savings and efficiencies achieved through the implementation of managing entities when realized by their participating provider network agencies. The department recognizes that managing entities will have infrastructure development costs during start-up so that any efficiencies to be realized by providers from consolidation of management functions, and the resulting savings, will not be achieved during the early years of operation. The department shall negotiate a reasonable and appropriate administrative cost rate with the managing entity. The Legislature intends that reduced local and state contract management and other administrative duties passed on to the managing entity allows funds previously allocated for these purposes to be proportionately reduced and the savings used to purchase the administrative functions of the managing entity. Policies and procedures of the department for monitoring contracts with managing entities shall include provisions for eliminating duplication of the department’s and the managing entities’ contract management and other administrative activities in order to achieve the goals of cost-effectiveness and regulatory relief. To the maximum extent possible, provider-monitoring activities shall be assigned to the managing entity.*

(c) *Contracting and payment mechanisms for services must promote clinical and financial flexibility and responsiveness and must allow different categorical funds to be integrated at the point of service. The contracted service array must be determined by using public input, needs assessment, and evidence-based and promising best-practice models. The department may employ care-management methodologies, prepaid capitation, and case rate or other methods of payment which promote flexibility, efficiency, and accountability.*

(5) **GOALS.**—*The goal of the service delivery strategies is to provide a design for an effective coordination, integration, and management approach for delivering effective behavioral health services to persons who are experiencing a mental health or substance abuse crisis, who have a disabling mental illness or a substance use or co-occurring disorder, and require extended services in order to recover from their illness, or who need brief treatment or longer-term supportive interventions to avoid a crisis or disability. Other goals include:*

(a) *Improving accountability for a local system of behavioral health care services to meet performance outcomes and standards through the use of reliable and timely data.*

(b) *Enhancing the continuity of care for all children, adolescents, and adults who enter the publicly funded behavioral health service system.*

(c) *Preserving the “safety net” of publicly funded behavioral health services and providers, and recognizing and ensuring continued local contributions to these services, by establishing locally designed and community-monitored systems of care.*

(d) *Providing early diagnosis and treatment interventions to enhance recovery and prevent hospitalization.*

(e) *Improving the assessment of local needs for behavioral health services.*

(f) *Improving the overall quality of behavioral health services through the use of evidence-based, best-practice, and promising-practice models.*

(g) *Demonstrating improved service integration between behavioral health programs and other programs, such as vocational rehabilitation, education, child welfare, primary health care, emergency services, juvenile justice, and criminal justice.*

(h) *Providing for additional testing of creative and flexible strategies for financing behavioral health services to enhance individualized treatment and support services.*

(i) *Promoting cost-effective quality care.*

(j) *Working with the state to coordinate admissions and discharges from state civil and forensic hospitals and coordinating admissions and discharges from residential treatment centers.*

(k) *Improving the integration, accessibility, and dissemination of behavioral health data for planning and monitoring purposes.*

(l) *Promoting specialized behavioral health services to residents of assisted living facilities.*

(m) *Working with the state and other stakeholders to reduce the admissions and the length of stay for dependent children in residential treatment centers.*

(n) *Providing services to adults and children with co-occurring disorders of mental illnesses and substance abuse problems.*

(o) *Providing services to elder adults in crisis or at-risk for placement in a more restrictive setting due to a serious mental illness or substance abuse.*

(6) **ESSENTIAL ELEMENTS.**—*It is the intent of the Legislature that the department may plan for and enter into contracts with managing entities to manage care in geographical areas throughout the state.*

(a) *The managing entity must demonstrate the ability of its network of providers to comply with the pertinent provisions of this chapter and chapter 397 and to ensure the provision of comprehensive behavioral health services. The network of providers must include, but need not be*

*limited to, community mental health agencies, substance abuse treatment providers, and best-practice consumer services providers.*

(b) *The department shall terminate its mental health or substance abuse provider contracts for services to be provided by the managing entity at the same time it contracts with the managing entity.*

(c) *The managing entity shall ensure that its provider network is broadly conceived. All mental health or substance abuse treatment providers currently under contract with the department shall be offered a contract by the managing entity.*

(d) *The department may contract with managing entities to provide the following core functions:*

1. *Financial accountability.*
2. *Allocation of funds to network providers in a manner that reflects the department’s strategic direction and plans.*
3. *Provider monitoring to ensure compliance with federal and state laws, rules, and regulations.*
4. *Data collection, reporting, and analysis.*
5. *Operational plans to implement objectives of the department’s strategic plan.*
6. *Contract compliance.*
7. *Performance management.*
8. *Collaboration with community stakeholders, including local government.*
9. *System of care through network development.*
10. *Consumer care coordination.*
11. *Continuous quality improvement.*
12. *Timely access to appropriate services.*
13. *Cost-effectiveness and system improvements.*
14. *Assistance in the development of the department’s strategic plan.*
15. *Participation in community, circuit, regional, and state planning.*
16. *Resource management and maximization, including pursuit of third-party payments and grant applications.*
17. *Incentives for providers to improve quality and access;*
18. *Liaison with consumers.*
19. *Community needs assessment.*
20. *Securing local matching funds.*

(e) *The managing entity shall ensure that written cooperative agreements are developed and implemented among the criminal and juvenile justice systems, the local community-based care network, and the local behavioral health providers in the geographic area which define strategies and alternatives for diverting people who have mental illness and substance abuse problems from the criminal justice system to the community. These agreements must also address the provision of appropriate services to persons who have behavioral health problems and leave the criminal justice system.*

(f) *Managing entities must collect and submit data to the department regarding persons served, outcomes of persons served, and the costs of services provided through the department’s contract. The department shall evaluate managing entity services based on consumer-centered outcome measures that reflect national standards that can dependably be measured. The department shall work with managing entities to establish performance standards related to:*

1. *The extent to which individuals in the community receive services.*

2. *The improvement of quality of care for individuals served.*
3. *The success of strategies to divert jail, prison, and forensic facility admissions.*
4. *Consumer and family satisfaction.*
5. *The satisfaction of key community constituents such as law enforcement agencies, juvenile justice agencies, the courts, the schools, local government entities, hospitals, and others as appropriate for the geographical area of the managing entity.*

(g) *The Agency for Health Care Administration may establish a certified match program, which must be voluntary. Under a certified match program, reimbursement is limited to the federal Medicaid share to Medicaid-enrolled strategy participants. The agency may take no action to implement a certified match program unless the consultation provisions of chapter 216 have been met. The agency may seek federal waivers that are necessary to implement the behavioral health service delivery strategies.*

(7) **MANAGING ENTITY REQUIREMENTS.**—*The department may adopt rules and standards and a process for the qualification and operation of managing entities which are based, in part, on the following criteria:*

(a) *A managing entity's governance structure shall be representative and shall, at a minimum, include consumers and family members, appropriate community stakeholders and organizations, and providers of substance abuse and mental health services as defined in this chapter and chapter 397.*

(b) *A managing entity that was originally formed primarily by substance abuse or mental health providers must present and demonstrate a detailed, consensus approach to expanding its provider network and governance to include both substance abuse and mental health providers.*

(c) *A managing entity must submit a network management plan and budget in a form and manner determined by the department. The plan must detail the means for implementing the duties to be contracted to the managing entity and the efficiencies to be anticipated by the department as a result of executing the contract. The department may require modifications to the plan and must approve the plan before contracting with a managing entity. The department may contract with a managing entity that demonstrates readiness to assume core functions, and may continue to add functions and responsibilities to the managing entity's contract over time as additional competencies are developed as identified in paragraph (g). Notwithstanding other provisions of this section, the department may continue and expand managing entity contracts if the department determines that the managing entity meets the requirements specified in this section.*

(d) *Notwithstanding paragraphs (b) and (c), a managing entity that is currently a fully integrated system providing mental health and substance abuse services, Medicaid, and child welfare services is permitted to continue operating under its current governance structure as long as the managing entity can demonstrate to the department that consumers, other stakeholders, and network providers are included in the planning process.*

(e) *Managing entities shall operate in a transparent manner, providing public access to information, notice of meetings, and opportunities for broad public participation in decisionmaking. The managing entity's network management plan must detail policies and procedures that ensure transparency.*

(f) *Before contracting with a managing entity, the department must perform an on-site readiness review of a managing entity to determine its operational capacity to satisfactorily perform the duties to be contracted.*

(g) *The department shall engage community stakeholders, including providers and managing entities under contract with the department, in the development of objective standards to measure the competencies of managing entities and their readiness to assume the responsibilities described in this section, and the outcomes to hold them accountable.*

(8) **DEPARTMENT RESPONSIBILITIES.**—*With the introduction of managing entities to monitor department-contracted providers' day-to-day operations, the department and its regional and circuit offices will*

*have increased ability to focus on broad systemic substance abuse and mental health issues. After the department enters into a managing entity contract in a geographic area, the regional and circuit offices of the department in that area shall direct their efforts primarily to monitoring the managing entity contract, including negotiation of system quality improvement goals each contract year, and review of the managing entity's plans to execute department strategic plans; carrying out statutorily mandated licensure functions; conducting community and regional substance abuse and mental health planning; communicating to the department the local needs assessed by the managing entity; preparing department strategic plans; coordinating with other state and local agencies; assisting the department in assessing local trends and issues and advising departmental headquarters on local priorities; and providing leadership in disaster planning and preparation.*

(9) **REPORTING.**—*Reports of the department's activities, progress, and needs in achieving the goal of contracting with managing entities in each circuit and region statewide must be submitted to the appropriate substantive and appropriations committees in the Senate and the House of Representatives on January 1 and July 1 of each year until the full transition to managing entities has been accomplished statewide.*

(10) **RULES.**—*The department shall adopt rules to administer this section and, as necessary, to further specify requirements of managing entities.*

Section 2. This act shall take effect July 1, 2008.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to mental health and substance abuse services; amending s. 394.9082, F.S.; providing legislative findings and intent; establishing goals; specifying roles and responsibilities of the Department of Children and Family Services; creating community-based systems of care; authorizing the implementation of managing entities by the Department of Children and Family Services; establishing a process for contracting with managing entities; specifying qualifying criteria for managing entities; specifying responsibilities of managing entities; specifying responsibilities of the department; providing for evaluations and reports; providing for a monitoring process; providing an effective date.

Senator Storms moved the following amendment to **Amendment 1** which was adopted:

**Amendment 1A (505932)**—On line(s) 267, after the period (.) insert: *If there are one or more private-receiving facilities in the geographic coverage area of a managing entity, the managing entity shall have one representative for the private-receiving facilities as an ex officio member of its board of directors.*

**Amendment 1** as amended was adopted.

Pursuant to Rule 4.19, **CS for HB 1429** as amended was placed on the calendar of Bills on Third Reading.

The Senate resumed consideration of—

**CS for CS for SB 1962**—A bill to be entitled An act relating to the tax exemption for nonprofit cooperative hospital laundries; amending s. 212.08, F.S.; requiring a member of a nonprofit cooperative to immediately divest itself of participation in the cooperative if it loses its nonprofit status; providing that the provision of emergency services to a nonmember business does not invalidate the certificate of tax exemption; providing an effective date.

—which was previously considered and amended April 29 with pending **Amendment 2 (930694)** by Senator Haridopolos and pending point of order.

## POINT OF ORDER DISPOSITION

**Amendment 2** was withdrawn and the pending point of order by Senator Rich was withdrawn.

An amendment was considered and failed and amendments were considered and adopted to conform **CS for CS for SB 1962** to **CS for HB 1059**.

Pending further consideration of **CS for CS for SB 1962** as amended, on motion by Senator Rich, by two-thirds vote **CS for HB 1059** was withdrawn from the Committees on Health Regulation; and Finance and Tax.

On motion by Senator Rich—

**CS for HB 1059**—A bill to be entitled An act relating to exemptions from the tax on sales, use, and other transactions; amending s. 212.08, F.S.; revising the exemption provided to nonprofit cooperative hospital laundries; requiring a member of a nonprofit cooperative to immediately divest itself of participation in the cooperative under certain circumstances; providing that provision of certain supplies and services pursuant to a declaration of emergency and a written emergency plan of operation does not invalidate a certificate of exemption or cause such a certificate to be denied; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1962** as amended and read the second time by title.

#### MOTION

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

Senator Haridopolos moved the following amendments which were adopted:

**Amendment 1 (430878)(with title amendment)**—Between line(s) 57 and 58 insert:

Section 2. Paragraph (a) of subsection (2) of section 212.04, Florida Statutes, is amended to read:

212.04 Admissions tax; rate, procedure, enforcement.—

(2)(a)1. No tax shall be levied on admissions to athletic or other events sponsored by elementary schools, junior high schools, middle schools, high schools, community colleges, public or private colleges and universities, deaf and blind schools, facilities of the youth services programs of the Department of Children and Family Services, and state correctional institutions when only student, faculty, or inmate talent is used. However, this exemption shall not apply to admission to athletic events sponsored by a state university, and the proceeds of the tax collected on such admissions shall be retained and used by each institution to support women's athletics as provided in s. 1006.71(2)(c).

2.a. No tax shall be levied on dues, membership fees, and admission charges imposed by not-for-profit sponsoring organizations. To receive this exemption, the sponsoring organization must qualify as a not-for-profit entity under the provisions of s. 501(c)(3) of the Internal Revenue Code of 1954, as amended.

b. No tax shall be levied on admission charges to an event sponsored by a governmental entity, sports authority, or sports commission when held in a convention hall, exhibition hall, auditorium, stadium, theater, arena, civic center, performing arts center, or publicly owned recreational facility and when 100 percent of the risk of success or failure lies with the sponsor of the event and 100 percent of the funds at risk for the event belong to the sponsor, and student or faculty talent is not exclusively used. As used in this sub-subparagraph, the terms "sports authority" and "sports commission" mean a nonprofit organization that is exempt from federal income tax under s. 501(c)(3) of the Internal Revenue Code and that contracts with a county or municipal government for the purpose of promoting and attracting sports-tourism events to the community with which it contracts. This sub-subparagraph is repealed July 1, 2009.

3. No tax shall be levied on an admission paid by a student, or on the student's behalf, to any required place of sport or recreation if the student's participation in the sport or recreational activity is required as a part of a program or activity sponsored by, and under the jurisdiction of, the student's educational institution, provided his or her attendance is as a participant and not as a spectator.

~~4. No tax shall be levied on admissions to the National Football League championship game, on admissions to any semifinal game or championship game of a national collegiate tournament, or on admissions to a Major League Baseball all-star game.~~

4.6. A participation fee or sponsorship fee imposed by a governmental entity as described in s. 212.08(6) for an athletic or recreational program is exempt when the governmental entity by itself, or in conjunction with an organization exempt under s. 501(c)(3) of the Internal Revenue Code of 1954, as amended, sponsors, administers, plans, supervises, directs, and controls the athletic or recreational program.

5.6. Also exempt from the tax imposed by this section to the extent provided in this subparagraph are admissions to live theater, live opera, or live ballet productions in this state which are sponsored by an organization that has received a determination from the Internal Revenue Service that the organization is exempt from federal income tax under s. 501(c)(3) of the Internal Revenue Code of 1954, as amended, if the organization actively participates in planning and conducting the event, is responsible for the safety and success of the event, is organized for the purpose of sponsoring live theater, live opera, or live ballet productions in this state, has more than 10,000 subscribing members and has among the stated purposes in its charter the promotion of arts education in the communities which it serves, and will receive at least 20 percent of the net profits, if any, of the events which the organization sponsors and will bear the risk of at least 20 percent of the losses, if any, from the events which it sponsors if the organization employs other persons as agents to provide services in connection with a sponsored event. Prior to March 1 of each year, such organization may apply to the department for a certificate of exemption for admissions to such events sponsored in this state by the organization during the immediately following state fiscal year. The application shall state the total dollar amount of admissions receipts collected by the organization or its agents from such events in this state sponsored by the organization or its agents in the year immediately preceding the year in which the organization applies for the exemption. Such organization shall receive the exemption only to the extent of \$1.5 million multiplied by the ratio that such receipts bear to the total of such receipts of all organizations applying for the exemption in such year; however, in no event shall such exemption granted to any organization exceed 6 percent of such admissions receipts collected by the organization or its agents in the year immediately preceding the year in which the organization applies for the exemption. Each organization receiving the exemption shall report each month to the department the total admissions receipts collected from such events sponsored by the organization during the preceding month and shall remit to the department an amount equal to 6 percent of such receipts reduced by any amount remaining under the exemption. Tickets for such events sold by such organizations shall not reflect the tax otherwise imposed under this section.

6.7. Also exempt from the tax imposed by this section are entry fees for participation in freshwater fishing tournaments.

7.8. Also exempt from the tax imposed by this section are participation or entry fees charged to participants in a game, race, or other sport or recreational event if spectators are charged a taxable admission to such event.

8.9. No tax shall be levied on admissions to any postseason collegiate football game sanctioned by the National Collegiate Athletic Association.

And the title is amended as follows:

On line(s) 11, after the semicolon (;) insert: amending s. 212.04, F.S.; deleting the sales tax exemption on admissions to certain sport championship games;

**Amendment 2 (896096)(with title amendment)**—Between line(s) 57 and 58 insert:

Section 2. Paragraph (d) of subsection (1) of section 202.12, Florida Statutes, is amended to read:

202.12 Sales of communications services.—The Legislature finds that every person who engages in the business of selling communications services at retail in this state is exercising a taxable privilege. It is the intent of the Legislature that the tax imposed by chapter 203 be administered as provided in this chapter.

(1) For the exercise of such privilege, a tax is levied on each taxable transaction, and the tax is due and payable as follows:

(d) At the rate set forth in paragraph (a) applied to the sales price of all mobile communications services deemed to be provided to a cus-

tomter by a home service provider pursuant to s. 117(a) of the Mobile Telecommunications Sourcing Act, Pub. L. No. 106-252, if such customer's service address is located within this state. *Effective January 1, 2009, the rate shall be reduced by the percentage necessary to reduce the total estimated collections in 2009 under this paragraph by the amount of any estimated increase in state sales and use tax collections during 2009 resulting from the repeal of sales tax exemptions provided under chapter 212 during the 2008 legislative session, unless otherwise provided by law. The estimated amounts shall be determined by reference to the 2008 Florida Tax Handbook.*

And the title is amended as follows:

On line(s) 11, after the semicolon (;) insert: amending s. 202.12, F.S.; reducing the tax rate on the same of mobile phone communications services based on the repeal of tax exemptions;

On motion by Senator Rich, by two-thirds vote **CS for HB 1059** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

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

**BILLS ON THIRD READING**

The Senate resumed consideration of—

**CS for CS for SB 2080**—A bill to be entitled An act relating to value adjustment boards; amending s. 194.011, F.S.; requiring that the Department of Revenue develop a uniform policies and procedures manual for use in proceedings before value adjustment boards; specifying availability requirements for such manual; amending s. 194.015, F.S.; revising the membership of value adjustment boards; providing for citizen members; revising criteria related to appointment to such boards; revising quorum requirements; deleting provisions authorizing county attorneys to act as counsel for value adjustment boards; amending s. 194.035, F.S.; providing that a requirement that value adjustment boards appoint special magistrates for certain purposes applies to all counties; requiring value adjustment boards to verify the qualifications of special magistrates prior to appointment; providing selection criteria; requiring that the department provide training for special magistrates; providing training requirements; requiring that the department charge tuition for such training; requiring that the department deposit fees collected from such tuition into the Certification Program Trust Fund; amending s. 194.037, F.S.; revising information required to be provided on the disclosure of tax impact form to include certain additional information; amending s. 195.002, F.S.; conforming provisions to changes made by the act; providing an effective date.

—which was previously considered this day. Pending **Amendment 1 (102928)** by Senator Haridopolos was adopted by two-thirds vote.

Amendments were considered and adopted to conform **CS for CS for SB 2080** to **CS for HB 909**.

Pending further consideration of **CS for CS for SB 2080** as amended, on motion by Senator Haridopolos, by two-thirds vote **CS for HB 909**

was withdrawn from the Committees on Finance and Tax; Community Affairs; and General Government Appropriations.

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

**CS for HB 909**—A bill to be entitled An act relating to ad valorem taxation; amending s. 193.155, F.S.; revising the assessment of homestead property damaged or destroyed by misfortune or calamity; amending s. 193.461, F.S.; revising criteria for classifying agricultural lands; amending s. 194.011, F.S.; requiring the Department of Revenue to develop a uniform policies and procedures manual for use in proceedings before value adjustment boards; specifying availability requirements for such manual; amending s. 194.035, F.S.; requiring certain persons in certain counties to attend special magistrate training under certain circumstances; providing a fee exemption; requiring value adjustment boards to verify the qualifications of special magistrates prior to appointment; providing selection criteria; requiring the department to provide and conduct training for special magistrates; providing training requirements; requiring the department to charge tuition fees; providing for deposit of such fees; creating s. 194.0355, F.S.; providing application; providing requirements for motions asserting violations of law or rules governing hearing petitions; providing for appeal to the board of county commissioners; providing requirements for appeal; providing requirements for boards of county commissioners in hearing such appeals; requiring the board to issue instructions to the value adjustment board under certain circumstances; prohibiting value adjustment boards from rendering decisions until certain procedures are exhausted; amending s. 194.037, F.S.; revising information required to be provided on the disclosure of tax impact form; providing legislative intent; specifying that taxpayers are precluded from having certain burdens of proof; amending s. 195.052, F.S.; specifying requirements for data to be published by the Department of Revenue; extending the publication period; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 2080** as amended and by two-thirds vote read the second time by title.

**MOTION**

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

Senator Haridopolos moved the following amendments which were adopted:

**Amendment 1 (817552)(with title amendment)**—Delete line(s) 238-277 and redesignate subsequent sections.

And the title is amended as follows:

Delete line(s) 19-29 and insert: for deposit of such fees; amending s. 194.037, F.S.; revising information

**Amendment 2 (465958)(with title amendment)**—Between line(s) 359 and 360 insert:

Section 1. Section 695.22, Florida Statutes, is amended to read:

695.22 Daily schedule of deeds and conveyances filed for record to be furnished property appraiser.—After October 1, 1945, the several clerks of the circuit courts shall keep and furnish to the respective county property appraisers in the counties where such instruments are recorded a daily schedule of the aforesaid deeds and conveyances so filed for recordation, in which schedule shall be set forth the name of the grantor or grantors, the names and addresses of each grantee, *the actual purchase price or other valuable consideration paid for the property conveyed*, and a description of the land as specified in each instrument so filed.

Section 11. Paragraph (g) is added to subsection (1) of section 695.26, Florida Statutes, to read:

695.26 Requirements for recording instruments affecting real property.—

(1) No instrument by which the title to real property or any interest therein is conveyed, assigned, encumbered, or otherwise disposed of shall be recorded by the clerk of the circuit court unless:

(g) *The actual purchase price or other valuable consideration paid for the real property or interest conveyed, assigned, encumbered, or otherwise disposed is legibly printed, typewritten, or stamped upon the instrument.*

And the title is amended as follows:

On line(s) 35, after the semicolon (;) insert: amending s. 695.22, F.S.; requiring the actual purchase price to be included on deeds and conveyances filed for record; amending s. 695.26, F.S.; requiring the actual purchase price to be shown on the instrument by which the title to real property or any interest therein is conveyed;

**Amendment 3 (373736)(with title amendment)**—Delete line(s) 40-62 and insert:

Section 1. Section 193.011, Florida Statutes, is amended to read:

193.011 Factors to consider in deriving just valuation.—In arriving at just valuation as required under s. 4, Art. VII of the State Constitution, the property appraiser shall take into consideration the following factors:

(1) The present cash value of the property, which is the amount a willing purchaser would pay a willing seller, exclusive of reasonable fees and costs of purchase, in cash or the immediate equivalent thereof in a transaction at arm's length;

(2) The highest and best use to which the property can be expected to be put in the immediate future and the present use of the property, taking into consideration *the legally permissible use of the property, including any applicable judicial limitation, local or state land use regulation, or historic preservation ordinance, and any zoning changes, concurrency requirements, and permits necessary to achieve the highest and best use*, and considering any moratorium imposed by executive order, law, ordinance, regulation, resolution, or proclamation adopted by any governmental body or agency or the Governor when the moratorium or judicial limitation prohibits or restricts the development or improvement of property as otherwise authorized by applicable law. The applicable governmental body or agency or the Governor shall notify the property appraiser in writing of any executive order, ordinance, regulation, resolution, or proclamation it adopts imposing any such limitation, regulation, or moratorium;

(3) The location of said property;

(4) The quantity or size of said property;

(5) The cost of said property and the present replacement value of any improvements thereon;

(6) The condition of said property;

(7) The income from said property; and

(8) The net proceeds of the sale of the property, as received by the seller, after deduction of all of the usual and reasonable fees and costs of the sale, including the costs and expenses of financing, and allowance for unconventional or atypical terms of financing arrangements. When the net proceeds of the sale of any property are utilized, directly or indirectly, in the determination of just valuation of realty of the sold parcel or any other parcel under the provisions of this section, the property appraiser, for the purposes of such determination, shall exclude any portion of such net proceeds attributable to payments for household furnishings or other items of personal property.

And the title is amended as follows:

Delete line(s) 3 and 4 and insert: 193.011, F.S.; clarifying factors that a property appraiser must consider in deriving just valuation;

**Amendment 4 (440972)(with title amendment)**—Between line(s) 336 and 337 insert:

Section 9. Subsection (2) of section 195.002, Florida Statutes, is amended to read:

195.002 Supervision by Department of Revenue.—

(2) In furtherance of its duty to conduct schools to upgrade assessment skills and collection skills, the department may establish by rule

committees on admissions and certification. **Additionally**, The department may *also* incur reasonable expenses for hiring instructors, travel, office operations, certificates of completion, badges or awards, and food service incidental to conducting such schools and for administering any certification program under s. 145.10, ~~or~~ s. 145.11, *or* s. 194.035. The department may charge a tuition fee and an examination fee to any person who attends such a school and may charge a fee to certify or recertify any person under such a program. The department shall deposit such fees into the Certification Program Trust Fund which is created in the State Treasury. There shall be separate school accounts and program accounts in the trust fund for property appraisers, ~~and for~~ tax collectors, *and special magistrates*. The department shall use money in the fund to pay such expenses.

And the title is amended as follows:

On line 33 after “proof;” insert: amending s. 195.002, F.S.; conforming provisions to changes made by the act;

#### MOTION

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

Senator Dean moved the following amendment which was adopted:

**Amendment 5 (627392)**—Delete line(s) 182 and insert: *petitions before the value adjustment board or the attorney appointed to advise the value adjustment board shall attend the*

#### RECONSIDERATION OF AMENDMENT

On motion by Senator Haridopolos, the Senate reconsidered the vote by which **Amendment 2 (465958)** was adopted. **Amendment 2** was withdrawn.

On motion by Senator Haridopolos, by two-thirds vote **CS for HB 909** as amended was read the third time by title, 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
Bennett	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

#### MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Atwater, by two-thirds vote **CS for CS for SB's 2086 and 2498** and **CS for SB 2864** were withdrawn from the Committee on General Government Appropriations; **CS for SB 2374** was withdrawn from the Committee on Criminal and Civil Justice Appropriations; **CS for SB 2374** and **CS for SB 2504** were withdrawn from the Committee on Judiciary; and **SB 1626** was withdrawn from the Committee on Transportation and Economic Development Appropriations.

On motion by Senator Constantine, by two-thirds vote **CS for SB 1376** was withdrawn from the Committee on Rules.

#### MOTIONS

On motion by Senator King, a deadline of one hour after the availability of engrossed bills was set for filing amendments to Bills on Third Reading to be considered Thursday, May 1.

On motion by Senator King, by two-thirds vote all bills remaining on the Special Order Calendar this day were placed on the Special Order Calendar for Thursday, May 1.

**REPORTS OF COMMITTEES**

Pursuant to Rule 4.17(2), the President Pro Tempore, the Majority Leader, and the Minority Leader submit the following bills to be placed on the Special Order Calendar for Wednesday, April 30, 2008: CS for SB 390, CS for CS for SB 652, CS for SB 694, CS for SB 790, CS for CS for SB 992, SB 1022, CS for CS for SB 1128, CS for CS for SB 1208, CS for CS for SB 1310, SB 1554, SB 1638, CS for SB 2484, CS for CS for CS for SB 2626

Respectfully submitted,  
*Lisa Carlton*, President Pro Tempore  
*Daniel Webster*, Majority Leader  
*Steven A. Geller*, Minority Leader

The Committee on Rules submits the following bills to be placed on the Local Bill Calendar for Wednesday, April 30, 2008: HB 487, HB 507, CS for HB 791, HB 889, HB 933, CS for HB 935, CS for HB 973, HB 999, HB 1031, HB 1033, HB 1063, HB 1065, HB 1067, HB 1069, CS for HB 1071, HB 1073, HB 1077, CS for HB 1085, CS for HB 1087, HB 1089, HB 1145, HB 1211, CS for HB 1225, HB 1263, CS for HB 1365, HB 1445, CS for HB 1515, CS for HB 1543, HB 1545, CS for HB 1547, CS for HB 1231

Respectfully submitted,  
*James E. "Jim" King, Jr.*, Chair

**MESSAGES FROM THE HOUSE OF REPRESENTATIVES**

**FIRST READING**

The Honorable Ken Pruitt, President

I am directed to inform the Senate that the House of Representatives has passed CS for HB 697, CS for CS for CS for HB 893, CS for HB 909; has passed as amended CS for CS for HB 1399, HB 7091, HB 7103, HB 7135 and requests the concurrence of the Senate.

*William S. Pittman III*, Chief Clerk

By the Economic Expansion and Infrastructure Council; and Representative Aubuchon and others—

**CS for HB 697**—A bill to be entitled An act relating to building standards; amending s. 489.105, F.S.; revising the definition of the term “roofing contractor”; creating s. 489.1138, F.S.; providing definitions; requiring a tower crane to be certified in order to be operated; requiring a person to be certified in order to operate a tower crane on construction projects; providing applicable standards; specifying duties of contractors; providing penalties; authorizing persons in training for certification to operate tower cranes under direct supervision of a certified tower crane operator; creating s. 489.1139, F.S.; preempting the regulation of tower cranes and tower crane operators to the state; amending s. 553.36, F.S.; revising the definition of the term “manufactured building” to include modular buildings and factory-built buildings; amending s. 553.37, F.S.; revising requirements that the Florida Building Commission adopt requirements for construction or modification of manufactured buildings; requiring the Department of Community Affairs to adopt certain rules relating to manufactured buildings; transferring certain responsibilities from the commission to the department; requiring the department to develop an insignia to be affixed to newly constructed manufactured buildings; authorizing the department to charge a fee for the insignia; providing requirements for the insignia; requiring the department to develop minimum criteria for a manufacturer’s data plate; amending s. 553.381, F.S.; revising the department’s authority to conform; authorizing the department to establish certain fees by rule; amending s. 553.415, F.S.; requiring the department to require that an insignia and manufacturer’s data plate be affixed to certain school buildings; providing requirements for the data plate; requiring under certain circumstances manufacturers or the department to affix the insignia and data plate; amending s. 553.71, F.S.; providing a definition of the

term “temporary;” amending s. 553.73, F.S.; expanding the list of required codes to be included in the Florida Building Code as foundation codes; expanding authority of the commission to approve amendments to the Florida Building Code; amending s. 553.74., F.S.; specifying entities encouraged to recommend candidate lists for consideration as members of the commission; increasing membership of the commission; deleting obsolete provisions; amending s. 553.75, F.S.; authorizing the commission to use communications media technology in conducting certain meetings; providing for requirements for public comment at commission meetings; amending s. 553.775, F.S.; authorizing the commission to render certain accessibility declaratory statements; amending s. 553.80, F.S.; revising enforcement requirements for construction regulations for certain facilities; amending s. 553.844, F.S.; revising requirements for criteria for mitigation techniques adopted by the commission; specifying certain roof retrofitting requirements; amending s. 553.885, F.S.; requiring the installation of carbon monoxide detectors in certain new hospitals, hospice facilities, and nursing homes; amending s. 627.351, F.S.; specifying that certain buildings or structures must meet certain coastal construction line setbacks to be eligible for Citizens Property Insurance coverage; repealing s. 553.731 F.S., relating to wind-borne debris protection requirements; providing for construction and interpretation of the repeal; providing effective dates.

—was referred to the Committees on Community Affairs; Regulated Industries; Environmental Preservation and Conservation; and Transportation and Economic Development Appropriations.

By the Policy and Budget Council; Policy and Budget Council; Schools and Learning Council; and Representative Coley and others—

**CS for CS for CS for HB 893**—A bill to be entitled An act relating to the tax on sales, use, and other transactions; specifying a period during which the sale of clothing and school supplies are exempt from the tax; providing definitions; providing exceptions; authorizing the Department of Revenue to adopt rules; providing an appropriation; providing an effective date.

—was referred to the Committee on Finance and Tax.

By the Government Efficiency and Accountability Council; and Representative Nehr and others—

**CS for HB 909**—A bill to be entitled An act relating to ad valorem taxation; amending s. 193.155, F.S.; revising the assessment of homestead property damaged or destroyed by misfortune or calamity; amending s. 193.461, F.S.; revising criteria for classifying agricultural lands; amending s. 194.011, F.S.; requiring the Department of Revenue to develop a uniform policies and procedures manual for use in proceedings before value adjustment boards; specifying availability requirements for such manual; amending s. 194.035, F.S.; requiring certain persons in certain counties to attend special magistrate training under certain circumstances; providing a fee exemption; requiring value adjustment boards to verify the qualifications of special magistrates prior to appointment; providing selection criteria; requiring the department to provide and conduct training for special magistrates; providing training requirements; requiring the department to charge tuition fees; providing for deposit of such fees; creating s. 194.0355, F.S.; providing application; providing requirements for motions asserting violations of law or rules governing hearing petitions; providing for appeal to the board of county commissioners; providing requirements for appeal; providing requirements for boards of county commissioners in hearing such appeals; requiring the board to issue instructions to the value adjustment board under certain circumstances; prohibiting value adjustment boards from rendering decisions until certain procedures are exhausted; amending s. 194.037, F.S.; revising information required to be provided on the disclosure of tax impact form; providing legislative intent; specifying that taxpayers are precluded from having certain burdens of proof; amending s. 195.052, F.S.; specifying requirements for data to be published by the Department of Revenue; extending the publication period; providing an effective date.

—was referred to the Committees on Finance and Tax; Community Affairs; and General Government Appropriations.

By the Policy and Budget Council; Economic Expansion and Infrastructure Council; and Representative Aubuchon and others—

**CS for CS for HB 1399**—A bill to be entitled An act relating to the Department of Transportation; amending s. 20.23, F.S.; providing for the salary and benefits of the executive director of the Florida Transportation Commission to be set in accordance with the Senior Management Service; amending s. 125.42, F.S.; providing for counties to incur certain costs related to relocation or removal of certain utility facilities under specified circumstances; amending s. 163.3177, F.S.; revising requirements for comprehensive plans; providing a timeframe for submission of certain information to the state land planning agency; providing for airports, land adjacent to airports, and certain interlocal agreements relating thereto in certain elements of the plan; amending s. 163.3178, F.S.; providing that certain port-related facilities are not developments of regional impact under certain circumstances; amending s. 163.3182, F.S., relating to transportation concurrency backlog authorities; providing legislative findings and declarations; expanding the power of authorities to borrow money to include issuing certain debt obligations; providing a maximum maturity date for certain debt incurred to finance or refinance certain transportation concurrency backlog projects; authorizing authorities to continue operations and administer certain trust funds for the period of the remaining outstanding debt; requiring local transportation concurrency backlog trust funds to continue to be funded for certain purposes; providing for increased ad valorem tax increment funding for such trust funds under certain circumstances; revising provisions for dissolution of an authority; amending s. 287.055, F.S.; conforming a cross-reference; 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; requiring certain vehicles to comply with specified federal standards to be driven in an HOV lane regardless of occupancy; revising provisions for issuance of a decal and certificate; providing for the Department of Highway Safety and Motor Vehicles to limit or discontinue issuance of decals for the use of HOV facilities by hybrid and low-emission and energy-efficient vehicles under certain circumstances; directing the department to review a specified federal rule and make a report to the Legislature; exempting certain vehicles from the payment of certain tolls; amending s. 316.193, F.S.; revising the prohibition against driving under the influence of alcohol; revising the blood-alcohol or breath-alcohol level at which certain penalties apply; revising requirement for placement of an ignition interlock device; amending s. 316.302, F.S.; revising references to rules, regulations, and criteria governing commercial motor vehicles engaged in intrastate commerce; providing that the department performs duties assigned to the Field Administrator of the Federal Motor Carrier Safety Administration under the federal rules and may enforce those rules; amending ss. 316.613 and 316.614, F.S.; revising the definition of “motor vehicle” for purposes of child restraint and safety belt usage requirements; amending s. 316.656, F.S.; revising the prohibition against a judge accepting a plea to a lesser offense from a person charged under certain DUI provisions; revising the blood-alcohol or breath-alcohol level at which the prohibition applies; 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; providing that a county, municipality, or special district may not own or operate an asphalt plant or a portable or stationary concrete batch plant having an independent mixer; provides exemptions; amending s. 337.0261, F.S.; revising the sunset date for the Strategic Aggregate Review Task Force; amending s. 337.11, F.S.; establishing a goal for the procurement of design-build contracts; amending ss. 337.14 and 337.16, F.S.; conforming cross-references; amending s. 337.18, F.S.; requiring the contractor to maintain a copy of the required payment and performance bond at certain locations and provide a copy upon request; providing that a copy may be obtained directly from the department; removing a provision requiring a copy be recorded in the public records of the county; amending s. 337.185, F.S.; providing for the State Arbitration Board to arbitrate certain claims relating to maintenance contracts; providing for a member of the board to be elected by maintenance companies as well as construction companies; amending s. 337.403, F.S.; providing for the department or local governmental entity to pay certain costs of removal or relocation of a utility facility that is found to be interfering with the use, maintenance, improvement, extension, or expansion of a public road or publicly owned rail corridor under described circumstances; amending s. 337.408, F.S.; providing for public

pay telephones and advertising thereon to be installed within the right-of-way limits of any municipal, county, or state road; amending s. 338.01, F.S.; requiring new and replacement electronic toll collection systems to be interoperable with the department’s system; amending s. 338.165, F.S.; providing that provisions requiring the continuation of tolls following the discharge of bond indebtedness does not apply to high-occupancy toll lanes or express lanes; creating s. 338.166, F.S.; authorizing the department to request that bonds be issued which are secured by toll revenues from high-occupancy toll or express lanes in a specified location; providing for the department to continue to collect tolls after discharge of indebtedness; authorizing the use of excess toll revenues for improvements to the State Highway System; authorizing the implementation of variable rate tolls on high-occupancy toll lanes or express lanes; amending s. 338.2216, F.S.; directing the Florida Turnpike Enterprise to implement new technologies and processes in its operations and collection of tolls and other amounts; providing contract bid requirements for fuel and food on the turnpike system; amending s. 338.223, F.S.; conforming a cross-reference; amending s. 338.231, F.S.; revising provisions for establishing and collecting tolls; authorizing collection of amounts to cover costs of toll collection and payment methods; requiring public notice and hearing; amending s. 339.12, F.S.; revising requirements for aid and contributions by governmental entities for transportation projects; revising limits under which the department may enter into an agreement with a county for a project or project phase not in the adopted work program; authorizing the department to enter into certain long-term repayment agreements; amending s. 339.135, F.S.; revising certain notice provisions that require the Department of Transportation to notify local governments regarding amendments to an adopted 5-year work program; amending s. 339.155, F.S.; revising provisions for development of the Florida Transportation Plan; amending s. 339.2816, F.S., relating to the small county road assistance program; providing for resumption of certain funding for the program; revising the criteria for counties eligible to participate in the program; amending ss. 339.2819 and 339.285, F.S.; conforming cross-references; amending s. 341.301, F.S.; providing definitions relating to commuter rail service, rail corridors, and railroad operation for purposes of the rail program within the department; amending s. 341.302, F.S.; authorizing the department to purchase specified property for the purpose of implementing commuter rail service; authorizing the department to assume certain liability on a rail corridor; authorizing the department to indemnify and hold harmless a railroad company when the department acquires a rail corridor from the company; providing allocation of risk; providing a specific cap on the amount of the contractual duty for such indemnification; authorizing the department to purchase and provide insurance in relation to rail corridors; authorizing marketing and promotional expenses; extending provisions to other governmental entities providing commuter rail service on public right-of-way; creating s. 341.3023, F.S.; requiring the department to review and study commuter rail programs and intercity rail transportation systems; requiring a report to the Governor and the Legislature; repealing part III of ch. 343 F.S.; abolishing the Tampa Bay Commuter Transit Authority; amending s. 348.0003, F.S.; providing for financial disclosure for expressway, transportation, bridge, and toll authorities; amending s. 348.0004, F.S.; providing for certain expressway authorities to index toll rate increases; amending s. 479.01, F.S.; revising provisions for outdoor advertising; revising the definition of the term “automatic changeable facing”; amending s. 479.07, F.S.; revising a prohibition against signs on the State Highway System; revising requirements for display of the sign permit tag; directing the department to establish by rule a fee for furnishing a replacement permit tag; revising the pilot project for permitted signs to include Hillsborough County and areas within the boundaries of the City of Miami; amending s. 479.08, F.S.; revising provisions for denial or revocation of a sign permit; amending s. 479.156, F.S.; revising provisions for a municipality or county to permit and regulate wall murals; amending s. 479.261, F.S.; revising requirements for the logo sign program of the interstate highway system; deleting provisions providing for permits to be awarded to the highest bidders; requiring the department to implement a rotation-based logo program; requiring the department to adopt rules that set reasonable rates based on certain factors for annual permit fees; requiring that such fees not exceed a certain amount for sign locations inside and outside an urban area; creating a business partnership pilot program; authorizing the Palm Beach County School District to display names of business partners on district property in unincorporated areas; exempting the program from specified provisions; amending s. 768.28, F.S.; expanding the list of entities considered agents of the state; providing for construction in relation to certain federal laws; requiring the department to ensure certain providers of railroad related services meet certain requirements; requiring the department to conduct a study of

transportation alternatives for the Interstate 95 corridor; requiring a report to the Governor and the Legislature; authorizing the expenditure of public funds for certain alterations of Old Cutler Road in the Village of Palmetto Bay; requiring the official approval of the Department of State before any alterations may begin; reenacting ss. 316.066(3)(a), 316.072(4)(b), 316.1932(3), 316.1933(4), 316.1937(1) and (2)(d), 316.1939(1)(b), 316.656(1), 318.143(4) and (5), 318.17(3), 320.055(1)(c), 322.03(2), 322.0602(2)(a), 322.21(8), 322.25(5), 322.26(1)(a), 322.2615(14)(a) and (16), 322.2616(15) and (19), 322.264(1)(b), 322.271(2)(a), (c) and (4), 322.2715(2), (3)(a), (c), and (4), 322.28(2), 322.282(2)(a), 322.291(1)(a), 322.34(9)(a), 322.62(3), 322.63(2)(d) and (6), 322.64(1), (2), (7)(a), (8)(b), (14), and (15), 323.001(4)(f), 324.023, 324.131, 327.35(6), 337.195(1), 440.02(17)(c), 440.09(7)(b), 493.6106(1)(d), 627.7275(2)(a), 627.758(4), 790.06(2)(f) and (10)(f), 903.36(2), and 907.041(4)(c), F.S., relating to written reports of crashes, obedience to and effect of traffic laws, tests for alcohol, chemical substances, or controlled substances, implied consent, refusal, blood test for impairment or intoxication in cases of death or serious bodily injury, right to use reasonable force, ignition interlock devices, requiring, unlawful acts, refusal to submit to testing, penalties, mandatory adjudication, prohibition against accepting plea to lesser included offense, sanctions for infractions by minors, offenses excepted, registration periods, renewal periods, drivers must be licensed, penalties, youthful drunk driver visitation program, license fees, procedure for handling and collecting fees, when court to forward license to department and report convictions, temporary reinstatement of driving privileges, mandatory revocation of license by department, suspension of license, right to review, suspension of license, persons under 21 years of age, right to review, "habitual traffic offender" defined, authority to modify revocation, cancellation, or suspension order, ignition interlock device, period of suspension or revocation, procedure when court revokes or suspends license or driving privilege and orders reinstatement, driver improvement schools or dui programs, required in certain suspension and revocation cases, driving while license suspended, revoked, canceled, or disqualified, driving under the influence, commercial motor vehicle operators, alcohol or drug testing, commercial motor vehicle operators, holder of commercial driver's license, driving with unlawful blood-alcohol level, refusal to submit to breath, urine, or blood test, wrecker operator storage facilities, vehicle holds, financial responsibility for bodily injury or death, period of suspension, boating under the influence, penalties, "designated drivers," limits on liability, definitions, coverage, license requirements, posting, motor vehicle liability, surety on auto club traffic arrest bond, conditions, limit, bail bond, license to carry concealed weapon or firearm, guaranteed arrest bond certificates as cash bail, and pretrial detention and release, to incorporate references in changes made by the act; amending s. 120.52, F.S.; revising a definition; providing effective dates.

—was referred to the Committees on Transportation; Finance and Tax; and Transportation and Economic Development Appropriations.

By the Environment and Natural Resources Council; and Representative Mayfield and others—

**HB 7091**—A bill to be entitled An act relating to fish and wildlife conservation; consolidating chapters 370 and 372, F.S., to create chapter 379, F.S., entitled "Fish and Wildlife Conservation"; creating part I of chapter 379, F.S., relating to general provisions; creating part II of chapter 379, F.S., relating to marine life; creating part III of chapter 379, F.S., relating to freshwater aquatic life; creating part IV of chapter 379, F.S., relating to wild animal life; creating part V of chapter 379, F.S., relating to law enforcement; creating part VI of chapter 379, F.S., relating to licenses for recreation activities; creating part VII of chapter 379, F.S., relating to nonrecreational licenses; creating part VIII of chapter 379, F.S., relating to penalties; renumbering, amending, creating, and repealing various statutory provisions to conform; renumbering and amending ss. 370.021, 370.06, 370.061, 370.063, 370.16, 370.22, 370.26, 370.028, 370.07, 370.08, 370.081, 370.11, 370.1107, 370.1121, 370.135, 370.14, 370.143, 370.1535, 370.1603, 370.31, 370.73, 372.07, 372.071, 372.0715, 372.0025, 372.023, 372.0725, 372.16, 372.26, 372.551, 372.561, 372.562, 372.65, 372.57, 372.5704, 372.5705, 372.571, 372.5711, 372.5714, 372.5717, 372.5718, 372.574, 372.58, 372.581, 372.59, 372.651, 372.653, 372.66, 372.661, 372.662, 372.663, 372.664, 372.6645, 372.665, 372.6671, 372.6672, 372.6673, 372.6674, 372.6678, 372.671, 372.673, 372.70, 372.701, 372.7015, 372.7016, 372.76, 372.761, 372.83, 372.84, 372.85, 372.86, 372.87, 372.88, 372.921, 372.922,

372.935, 372.988, 372.99, 372.9901, 372.99021, 372.99022, 372.9903, 372.9904, 372.9905, and 372.992, F.S.; correcting cross-references; conforming provisions to changes made by this act; renumbering and amending s. 370.12, F.S.; deleting an obsolete provision relating to certain annual use fees; correcting cross-references; renumbering and amending s. 370.13, F.S.; deleting an obsolete provision relating to stone crab trap tag fees; correcting cross-references; renumbering and amending s. 370.142, F.S.; deleting an obsolete provision relating to spiny lobster trap tag fees; correcting cross-references; renumbering and amending s. 370.151, F.S.; deleting legislative intent relating to shrimp beds; conforming provisions relating to shrimping license violations; renumbering and amending s. 372.5701, F.S.; deleting provisions requiring an annual legislative appropriation for specified activities and programs; correcting cross-references; creating s. 379.3711, F.S.; establishing an annual license fee for private game preserves and farms; providing for payment of such fees to the commission; requiring proceeds to be deposited in the State Game Trust Fund; creating 379.414, F.S.; providing additional civil penalties for violations of record requirements by saltwater products dealers; requiring fees collected for such violations are deposited in the Marine Resources Conservation Trust Fund; specifying the use of such funds; amending ss. 72.011, 97.05831, 125.01, 142.01, 161.053, 201.15, 212.06, 212.08, 213.053, 215.20, 290.004, 320.08058, 327.02, 327.41, 327.73, 328.66, 328.72, 328.76, 373.046, 403.41315, 403.813, 597.010, 777.04, 810.09, 921.0022, and 932.7055, F.S.; correcting cross-references to conform to changes made by this act; repealing s. 370.0821, F.S., relating to use of nets in St. Johns County to conform to changes made by this act; repealing s. 370.09, F.S., relating to industrial hazards and prohibited oil deposits discharge to conform to changes made by this act; repealing s. 370.1105, F.S., relating to saltwater finfish trap regulation to conform to changes made by this act; repealing ss. 370.15 and 370.154, F.S., relating to shrimp regulations to conform to changes made by this act; repealing s. 370.155, F.S., relating to shrimp fishing to conform to changes made by this act; repealing 372.001, F.S., relating to wildlife definitions to conform to changes made by this act; repealing s. 372.0225, F.S., relating to freshwater organisms to conform to changes made by this act; repealing s. 372.107, F.S., relating to the Fish and Wildlife Conservation Commission Federal Law Enforcement Trust Fund to conform to changes made by this act; repealing s. 372.27, F.S., relating to the prohibition of fishing in Silver Springs and Rainbow Springs to conform to changes made by this act; repealing s. 372.667, F.S., relating to the unlawful feeding or enticement of alligators or crocodiles to conform to changes made by this act; repealing s. 372.98, F.S., relating to the possession of nutria to conform to changes made by this act; repealing s. 372.981, F.S., relating to the regulation of importation of caiman to conform to changes made by this act; repealing s. 372.993, F.S., relating to land-based commercial and recreational fishing activities to conform to changes made by this act; providing an effective date.

—was referred to the Committee on Environmental Preservation and Conservation.

By the Jobs and Entrepreneurship Council; and Representative Reagan—

**HB 7103**—A bill to be entitled An act relating to mitigation enhancement; amending s. 215.5586, F.S.; revising eligibility criteria for qualifying as a wind certification entity for certain purposes; deleting an obsolete provision; requiring the Department of Financial Services to implement a quality assurance program; revising authority of the department to require certain improvements to be made as a condition of reimbursing a homeowner approved for a grant; deleting a provision authorizing the department to transfer certain funds to Volunteer Florida Foundation, Inc., for certain purposes; deleting a requirement that Volunteer Florida, Inc., undertake certain activities; requiring the department to implement a no-interest loan program by a certain date; providing program requirements; requiring the department to set aside certain moneys for certain purposes; authorizing the department to adopt rules; expanding authority of the department to contract with additional third parties for certain purposes; amending s. 627.062, F.S.; requiring insurers to account for county ordinances and local amendments to the Florida Building Code in certain rate filings; amending s. 627.711, F.S.; requiring insurers to accept as valid uniform mitigation verification forms certified by the department or signed by certain professionals; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By the Environment and Natural Resources Council; and Representative Mayfield and others—

**HB 7135**—A bill to be entitled An act relating to energy; amending s. 74.051, F.S.; providing that it is the intent of the Legislature for a court, when practicable, to conduct a hearing and issue an order on a petition for a taking within a specified time; amending s. 110.171, F.S.; requiring each state agency to complete a telecommuting program by a specified date which includes a listing of the job classifications and positions that the state agency considers appropriate for telecommuting; providing requirements for the telecommuting program; requiring each state agency to post the telecommuting program on its Internet website; amending s. 163.04, F.S.; clarifying that condominium declarations may not prohibit renewable energy devices; removes three-story height restriction for installation of solar collectors on condominiums; 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 to energy and global climate change; amending s. 187.201, F.S.; expanding the air quality, energy, and land use goals of the State Comprehensive Plan to include the development of low-carbon-emitting electric power plants, the reduction of atmospheric carbon dioxide, the promotion of the use and development of renewable energy resources, and provide for the siting of low carbon emitting electric power plants, including nuclear plants; amending ss. 196.012 and 196.175, F.S.; deleting outdated, obsolete language; removing the expiration date of the property tax exemption for real property on which a renewable energy source device is installed and revising the options for calculating the amount of the exemption; amending s. 206.43, F.S.; requiring each terminal supplier, importer, blender, and wholesaler to provide in a report to the Department of Revenue the number of gallons of blended and unblended gasoline sold; amending s. 212.08, F.S.; revising the definition of “ethanol”; specifying eligible items as limited to one refund; requiring a person who receives a refund to notify a subsequent purchaser of such refund; transferring certain duties and responsibilities from the Department of Environmental Protection to the Florida Energy and Climate Commission; requiring the Florida Energy and Climate Commission to adopt, by rule, an application form for claiming a tax exemption; amending s. 220.191, F.S.; providing that certain qualifying projects are eligible to transfer capital investment tax credits to other businesses under certain circumstances; providing limitations on the use of such transferred credits; specifying requirements for such transfers; amending s. 220.192, F.S.; defining terms related to a tax credit; allowing the tax credit to be transferred for a specified period; providing procedures and requirements; requiring the Department of Revenue to adopt rules for implementation and administration of the program; transferring certain duties and responsibilities from the Department of Environmental Protection to the Florida Energy and Climate Commission; amending s. 220.193, F.S.; defining the terms “sale” or “sold”; defining the term “taxpayer”; providing for retroactivity; providing that the use of the renewable energy production credit does not reduce the alternative minimum tax credit; amending s. 253.02, F.S.; authorizing the Board of Trustees of the Internal Improvement Trust Fund to delegate authority to grant easements across lands owned by the Board of Trustees of the Internal Improvement Trust Fund to the Secretary of Environmental Protection under certain conditions; 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 be designed to meet 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, the Florida Green Building Coalition standards, or a nationally recognized green building rating system as approved by the department; requiring each state agency occupying space owned or managed by the department to identify and compile a list of projects suitable for a guaranteed energy, water, and wastewater 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 a proper evaluation of life-cycle costs for the building; 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 all state agencies to adopt an energy efficiency rating system as approved by the department for all new buildings and renovations to existing buildings; requiring all county, municipal, school district, water management district, state university,

community college, and Florida state court buildings to meet certain energy efficiency standards for construction; providing applicability; creating a sustainable building training certification program within St. Petersburg College; specifying program components; creating s. 286.29, 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 if the price is comparable; 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, state universities, community colleges, and local governments that purchase vehicles under a state purchasing plan 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 loan; 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 savings contractor to provide for the replacement or the extension of the useful life of the energy conservation equipment during the term of the contract; amending s. 287.16, F.S.; requiring the Department of Management Services to analyze specified fuel usage by the Department of Transportation; amending s. 288.1089, F.S.; defining the term “alternative and renewable energy”; revising provisions relating to innovation incentive awards to include alternative and renewable energy projects; specifying eligibility requirements for such projects; requiring Enterprise Florida, Inc., to solicit comments and recommendations from the Florida Energy and Climate Commission in evaluating such projects; amending s. 316.0741, F.S.; requiring all hybrid and other low-emission and energy-efficient vehicles that do not meet the minimum occupancy requirement and are driven in a high-occupancy-vehicle lane to comply with federally mandated minimum fuel economy standards; authorizing specified vehicles to use certain high-occupancy-vehicle lanes without payment of tolls; 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 and an annual project priority list that, among other considerations, provide for sustainable growth and reduce greenhouse gas emissions; amending s. 350.01, F.S.; conforming the beginning of a Public Service Commission member’s term as chair with the beginning of terms of commissioners; correcting cross-references; amending s. 350.012, F.S.; renaming the Committee on Public Service Commission Oversight, a standing joint committee of the Legislature, as the “Committee on Public Counsel Oversight”; deleting the committee’s authority to recommend to the Governor nominees to fill vacancies on the Public Service Commission; amending s. 350.03, F.S.; clarifying the power of the Governor to remove and fill commission vacancies as set forth in the State Constitution; amending s. 350.031, F.S.; increasing the number of members on the council; requiring the President of the Senate and the Speaker of the House of Representatives to appoint a chair and vice chair to the council in alternating years; removing spending authority for the council to advertise vacancies; requiring the council to submit recommendations for vacancies on the Public Service Commission to the Governor; requiring the council to nominate a minimum of three persons for each vacancy; revising the date that recommendations for vacancies must be submitted; providing that a successor Governor may remove an appointee only as provided; providing for the council to fill a vacancy on the commission if the Governor fails to do so; authorizing a successor governor to recall an unconfirmed appointee under certain circumstances; amending ss. 350.061 and 350.0614, F.S., relating to the appointment, oversight, and compensation of the Public Counsel; conforming provisions to changes made by the act; amending s. 366.04, F.S.; requiring an affected municipal electric utility to conduct a referendum election of all its retail electric customers to determine whether to require the municipal electric utility to provide a proposed charter transferring the operations of the utility to an electric utility authority; amending s. 366.81, F.S.; providing legislative intent; amending s. 366.82, F.S.; defining the term “demand-side renewable energy”; requiring the Public Service Commission to adopt goals for increasing the development of demand-side renewable energy systems energy resources; providing for cost-effectiveness tests; requiring the Florida En-

ergy and Climate Commission to be a party in the proceedings to adopt goals; providing for an appropriations; providing for cost recovery; authorizing the commission to provide financial rewards and penalties; authorizing the commission to allow an investor-owned utility to earn an additional return on equity for exceeding energy efficiency and conservation goals; 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. 366.91, F.S.; clarifying the definition of "biomass" to include waste and byproducts; requiring each public utility, and each municipal electric utility and rural electric utility cooperative that sells electricity at retail, to develop a standardized interconnection and net metering program for customer-owned renewable generation; authorizing net metering to be available when a utility purchases power generated from biogas produced by anaerobic digestion under certain conditions; amending s. 366.92, F.S.; directing the Public Service Commission to adopt a renewable portfolio standard; providing definitions; providing for renewable energy credits; providing for cost recovery; prohibiting the renewable portfolio standard rule from taking effect until ratified by the Legislature; 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; providing for the transfer of the Florida Energy Commission in the Office of Legislative Services to the Florida Energy and Climate Commission in the Executive Office of the Governor; creating s. 377.6015, F.S.; providing for the membership, meetings, duties, and responsibilities of the Florida Energy and Climate Commission; providing rulemaking authority; amending s. 377.602, F.S.; revising the definition of "energy resources"; providing for conforming changes; providing for the type two transfer of the state energy program in the Department of Environmental Protection to the Florida Energy and Climate Commission in the Executive Office of the Governor; amending ss. 377.603, 377.604, 377.605, 377.606, 377.608, 377.701, 377.703, and 377.705, F.S.; providing for conforming changes; amending s. 377.801, F.S.; providing a short title; amending s. 377.802, F.S.; providing the purpose of the Florida Energy and Climate Protection Act; amending s. 377.803, F.S.; revising definitions; clarifying the definition of "renewable energy" to include biomass, as defined in s. 366.91, F.S.; amending s. 377.804, F.S., relating to the Renewable Energy and Energy-Efficient Technologies Grants Program; providing for the program to include matching grants for technologies that increase the energy efficiency of vehicles and commercial buildings; providing for the solicitation of expertise of other entities; providing application requirements; amending s. 377.806, F.S.; conforming provisions relating to the Solar Energy System Incentives Program, to changes made by this act; requiring all eligible systems under the program to comply with the Florida Building Code; revising rebate eligibility requirements for solar thermal systems to include the installation of certain products by roofing contractors; creating s. 377.808, F.S.; establishing the "Florida Green Government Grants Act"; providing for grants to be awarded to local governments in the development of programs that achieve green standards; 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; prohibiting the rules from being adopted until after January 1, 2010, and from becoming effective until ratified by the Legislature; 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; requiring applicants to make specified efforts to provide notice to certain landowners and to file a list of such notification with the Department of Environmental Protection's Siting Coordination Office; 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, public notice requirements, and general permits; conforming provisions to changes made by the act; 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. 489.145, F.S.; creating s. 403.7032, F.S.; 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; creating s. 403.7033, F.S., requiring a departmental analysis of particular recyclable materials; requiring a submission of a report; amending s. 403.706, F.S., requiring every county to implement a composting plan to attain certain goals by a date certain; provides for goal modifications upon demonstrated need to the department; amending s. 489.145, F.S.; revising provisions of 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; requiring the Office of the Chief Financial Officer to review contract proposals; redefining terms; 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 Chief Financial Officer; amending s. 526.06, F.S.; revising provisions for the sale of gasoline blended with ethanol; providing specifications for transitioning to ethanol-blended fuels; creating s. 526.201, F.S.; creating the "Florida Renewable Fuel Standard Act"; creating s. 526.202, F.S.; establishing legislative findings for the act; creating s. 526.203, F.S.; providing definitions, fuel standard, exemptions, and reporting; creating s. 526.204, F.S.; providing for waivers; providing for suspension of standard requirement during declared emergencies; creating s. 526.205, F.S.; providing for enforcement of the act; providing for extensions; creating s. 526.206, F.S.; providing for rulemaking authority by the Department of Revenue and the Department of Agriculture and Consumer Services; creating s. 526.207, F.S.; requiring studies and reports by the Florida Energy and Climate Commission; amending s. 553.73, F.S.; requiring that the Florida Building Commission select the most recent International Energy Conservation Code as a foundation code; providing for modification of the International Energy Conservation Code by the commission under certain circumstances; 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 Florida Energy Efficiency Code for Building Construction; providing energy-efficiency performance options and elements for achieving performance

goals; requiring the commission to adopt rules and implement a cost-effectiveness test; amending s. 553.909, F.S.; requiring the Florida Energy Efficiency Code for Building Construction to set minimum requirements for certain commercial or residential appliances; requiring the Agency for Enterprise Information Technology to define specified objective standards and conduct evaluations relating to energy efficiency; requiring the agency to submit a report; providing report requirements; requiring the agency to submit specified recommendations; providing for the inclusion of specifications in certain plans and processes; creating s. 1004.648, F.S.; establishing the Florida Energy Systems Consortium consisting of all the state universities; providing for membership and duties of the consortium; providing for a director, an oversight board, and a steering committee; requiring the consortium to submit an annual report; requiring an economic impact analysis on the effects of granting financial incentives to energy producers who use woody biomass as fuel; providing that certain vehicle emission standards are subject to ratification by the Legislature prior to implementation or modification by the Department of Environmental Protection; requiring the Department of Education and the Department of Environmental Protection to develop an awards or recognition program for outstanding efforts in conservation, energy and water use reduction, environmental enhancement, and conservation-related educational curriculum development; encouraging the departments to seek private sector funding for the program; repealing s. 377.901, F.S., relating to the Florida Energy Commission; requiring the Public Service Commission to provide a report to the Governor and the Legislature on utility revenue decoupling; providing effective dates.

—was referred to the Committees on Environmental Preservation and Conservation; Communications and Public Utilities; and General Government Appropriations.

---

## RETURNING MESSAGES—FINAL ACTION

The Honorable Ken Pruitt, President

I am directed to inform the Senate that the House of Representatives has passed SB 38, SB 40, SB 50, SB 56, SB 60, CS for SB 68, SB 78, CS for SB 82, SB 154, SB 186, SB 458, CS for CS for SB 542, CS for CS for SB 564, CS for SB 622, CS for CS for SB 696, CS for SB 734, CS for SB 856, CS for SB 988, CS for CS for SB 1076, CS for CS for SB's 1094 and 326, CS for CS for SB 1302, CS for CS for SB 1310, CS for SB 1318, CS for SB 1502, CS for SB 1706, CS for CS for SB 1946, SB 1986, CS for SB 2052, CS for CS for SB 2264, SB 2516 and CS for CS for SB 2676; and passed CS for CS for SB 766, CS for SB 1042, SB 1046, CS for SB 1618, CS for SB 1630 and CS for SB 2224 by the required constitutional two-thirds vote of the membership of the House.

*William S. Pittman III*, Chief Clerk

The bills contained in the foregoing messages were ordered enrolled.

## CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 29 was corrected and approved.

## CO-INTRODUCERS

Senators Bullard—CS for CS for SB 1962; Joyner—CS for CS for SB 1962; Lynn—CS for SB 800, CS for SB 1752, CS for CS for SB 1962; Margolis—CS for CS for SB 1962

## RECESS

On motion by Senator King, the Senate recessed at 5:49 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 9:30 a.m., Thursday, May 1 or upon call of the President.