The Journal OF THE House of Representatives

Number 18 **Monday, April 24, 2006**

The House was called to order by the Speaker at 1:00 p.m.

Prayer

The following prayer was offered by Rabbi Schneur Oirechman of Tallahassee, upon invitation of Rep. Sobel:

Almighty God, Master of the Universe, we ask You to bless this House and the families of the Representatives gathered under its roof. Make strong our hearts and minds, and grant us understanding and love, that we may best help others. As we approach the final days of our meetings here, grant us the foresight to help protect the people from suffering, man-made or natural. And as our session draws to a close, grant us the steadfastness to accept what cannot be changed and to change what cannot be accepted. Almighty God, we ask You to grant us Your aid and helping hand, that we may best respond to those seeking aid and a helping hand. Bestow Your wisdom upon us, that we may act wisely. Grant us leadership, and may Your will be fulfilled by our choices and by the choices of every man, woman, and child we seek to assist. And may our labors lead to the era when all of humanity knows true peace; may it come speedily in our days. Amen.

The following members were recorded present:

Session Vote Sequence: 829

Speaker Bense in the Chair.

Adams	Clarke	Greenstein	McInvale
Allen	Coley	Grimsley	Murzin
Altman	Cretul	Harrell	Needelman
Ambler	Culp	Hasner	Negron
Anderson	Cusack	Hays	Patterson
Antone	Davis, D.	Henriquez	Peterman
Arza	Davis, M.	Holloway	Pickens
Attkisson	Dean	Homan	Planas
Ausley	Detert	Hukill	Poppell
Barreiro	Domino	Jennings	Porth
Bean	Evers	Johnson	Proctor
Bendross-Mindingall	Farkas	Jordan	Quinones
Bense	Fields	Joyner	Reagan
Benson	Flores	Justice	Rice
Berfield	Galvano	Kendrick	Richardson
Bilirakis	Gannon	Kottkamp	Rivera
Bogdanoff	Garcia	Kravitz	Robaina
Bowen	Gardiner	Kreegel	Roberson
Brandenburg	Gelber	Kyle	Ross
Brown	Gibson, A.	Legg	Rubio
Brummer	Gibson, H.	Littlefield	Russell
Brutus	Glorioso	Llorente	Ryan
Bucher	Goldstein	Lopez-Cantera	Sands
Bullard	Goodlette	Machek	Sansom
Carroll	Grant	Mayfield	Seiler
Simmons	Stansel	Traviesa	Williams
Slosberg	Stargel	Vana	Zapata
Sobel	Taylor	Waters	

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

A quorum was present.

Pledge

The members, led by the following, pledged allegiance to the Flag: Andrew Ashburn of Tallahassee at the invitation of the Speaker; Zara Castany of Miami at the invitation of Rep. Zapata; Courtney E. Clubbs of Lynn Haven at the invitation of the Speaker; and Ian Hanchett of Brandon at the invitation of Rep. Traviesa.

House Physician

The Speaker introduced Dr. Thomas B. Anderson of Trinity, who served in the Clinic today upon invitation of Rep. Anderson.

Correction of the *Journal*

The *Journal* of April 21 was corrected and approved as corrected.

Reports of Councils and Standing Committees

Reports of the Rules & Calendar Council

The Honorable Allan G. Bense April 20, 2006
Speaker, House of Representatives

Dear Mr. Speaker:

Your Rules & Calendar Council herewith submits the Special Order for Monday, April 24, 2006. Consideration of the House bills on Special Orders shall include the Senate Companion measures on the House Calendar.

I. Consideration of the following bills originally on the Special Order for Thursday, April 20, 2006:

HB 285 - Needelman, Altman, & others
Emergency Management

HB 805 CS - Benson, Gannon
Plans, Policies, Contracts, and Programs for the Provision of Health Care Services

HB 1145 CS - Evers, Arza, & others
Official State Designations

HR 1627 - Kyle
Unanimity of Jury Recommendations in Death Penalty Cases

HB 7151 - Civil Justice Committee, Mahon
Adoption

HB 7175 CS - Environmental Regulation Committee, Needelman
Vessels

HB 7205 - Criminal Justice Committee, Kravitz
Death Penalty

HB 255 CS - Troutman, Antone, & others
Farm Labor Vehicles

HB 7085 - Domestic Security Committee, Adams
Succession to the Office of Governor

HB 761 - Carroll, Bean, & others
Trespass on the Property of a Certified Domestic Violence Center

HB 947 CS - Legg, Flores, & others
Long-Term Care Coverage

HB 1221 - Cannon, Arza
District School Boards

HB 7089 - Tourism Committee, Detert, & others
Facilities for Retained Spring Training Franchises

HB 871 CS - Ryan, Homan, & others
Telephone Calling Records

HB 375 CS - Barreiro, Roberson
Motor Vehicle Registration Forms

HB 147 - Kravitz, Hasner
Criminal Prosecutions

HB 25 - Negron, Berfield, & others
Violent Felony Offenders

HB 5043 - Fiscal Council, Negron
Trust Funds

II. Consideration of the following bills:

HB 21 CS - Peterman, Bendross-Mindingall, & others
Social Status of Black Men and Boys

HB 1031 CS - Kyle
Pawnbroking

HB 1173 CS - Ross, Culp
Driver History Records

HB 1417 CS - Sansom
Hospices

HB 605 CS - Planas
Public Records

HB 583 CS - Traviesa, Sansom
Correctional and Law Enforcement Officer Discipline

HB 7239 - Agriculture Committee, Poppell, & others
Department of Agriculture and Consumer Services

HB 825 CS - Altman, Hasner, & others
Financial Literacy Council

HB 1141 CS - Stargel, Hasner, & others
Conveyances of Land

HB 669 CS - Dean, Legg, & others
Criminal Justice Standards and Training Commission

HB 531 CS - Jennings, Bucher
Prosperity Campaigns

HB 187 CS - Porth, Adams, & others
Lawful Testing for Alcohol, Chemical Substances, or Controlled Substances

HB 265 CS - Brown, Baxley, & others
Hunting Lands

HJR 7143 CS - Judiciary Committee, Simmons
Rules of Construction

HB 1211 CS - Fields
Notification Regarding the State Minimum Wage

HB 667 CS - Hasner
Credit Counseling Services

HB 1029 CS - Baxley, Clarke, & others
Carrying of Firearms in National Forests

HB 1077 CS - Russell
Motor Vehicle Dealers

HB 37 CS - Adams, Antone, & others
Security of Consumer Report Information

HB 581 - Cretul, Arza, & others
Public Benefits

HB 127 CS - Hays, Ambler, & others
Immunizations

HB 7091 CS - Civil Justice Committee, Mahon, & others
Real Property Electronic Recording

HB 789 CS - Murzin, Reagan, & others
Damage Prevention and Safety for Underground Facilities

HCB 6003 CS - Criminal Justice Committee, Stargel, & others
Resale of Tickets

HB 1015 CS - Pickens, Kendrick, & others
Agricultural Economic Development

HB 7163 CS - Environmental Regulation Committee, Needelman, & others
Environmental Permitting

HB 329 CS - Culp, Gibson, H., & others
Adult Protective Services

HB 371 CS - Harrell, Benson, & others
Cancer Drug Donation Program

HB 7153 CS - Economic Development, Trade & Banking Committee, Detert
Financial Entities and Transactions

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

Respectfully submitted,

J. Dudley Goodlette, Chair
Rules & Calendar Council

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

Motions Relating to Council and Committee References

On motion by Rep. Goodlette, by the required two-thirds vote, HB 1631 was withdrawn from the Transportation Committee and placed on the Calendar of the House and HB 569 was withdrawn from the PreK-12 Committee and remains referred to the Health & Families Council.

On motion by Rep. Negron, by the required two-thirds vote, HB 457 was withdrawn from the Judiciary Appropriations Committee and remains referred to the Health & Families Council and HB 7215 was withdrawn from the Health Care Appropriations Committee and remains referred to the Health & Families Council.

Bills and Joint Resolutions on Third Reading

On motion by Rep. Sobel, consideration of **HB 1497** was temporarily postponed.

HB 7259—A bill to be entitled An act relating to class action lawsuits; providing requirements for capacity to file a class action; limiting actions to Florida residents; providing exceptions; eliminating private class action recovery of statutory penalties in certain actions unless actual damages are alleged and proven; providing that the Attorney General's ability to seek statutory penalties is not affected; providing for availability of nonmonetary relief; providing no effect on class action lawsuits involving civil rights laws; providing an effective date.

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

Session Vote Sequence: 830

Speaker Bense in the Chair.

Yeas—115

Adams	Culp	Homan	Porth
Allen	Cusack	Hukill	Proctor
Altman	Davis, D.	Jennings	Quinones
Ambler	Davis, M.	Johnson	Reagan
Anderson	Dean	Jordan	Rice
Antone	Detert	Joyner	Richardson
Arza	Domino	Justice	Rivera
Attkisson	Evers	Kendrick	Robaina
Ausley	Farkas	Kottkamp	Roberson
Barreiro	Fields	Kravitz	Ross
Baxley	Flores	Kreegel	Rubio
Bean	Galvano	Kyle	Russell
Bendross-Mindingall	Gannon	Legg	Ryan
Bense	Garcia	Littlefield	Sands
Benson	Gardiner	Llorente	Sansom
Berfield	Gelber	Lopez-Cantera	Seiler
Bilirakis	Gibson, A.	Machek	Simmons
Bogdanoff	Gibson, H.	Mahon	Slosberg
Bowen	Glorioso	Mayfield	Smith
Brandenburg	Goldstein	McInvale	Sobel
Brown	Goodlette	Meadows	Stansel
Brummer	Grant	Murzin	Taylor
Brutus	Greenstein	Needelman	Traviesa
Bucher	Grimsley	Negron	Troutman
Bullard	Harrell	Patterson	Vana
Carroll	Hasner	Peterman	Waters
Clarke	Hays	Pickens	Williams
Coley	Henriquez	Planas	Zapata
Cretul	Holloway	Poppell	

Nays—None

Votes after roll call:
Yeas—Cannon, Gottlieb, Mealor
Yeas to Nays—Mealor
Nays to Yeas—Mealor

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

HB 415—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.052, F.S.; deleting an exception to an exemption from the tax for research or development costs; amending s. 212.08, F.S.; deleting provisions providing an exemption on account of use for machinery and equipment used for research and development; revising provisions for application for the exemption; specifying the term of validity of an exemption certification; providing for biennial renewal of certifications; providing criteria; deleting a limitation on number of exemption applications by a business in a year; exempting machinery and equipment used predominantly for research and development activities; providing definitions; authorizing the Department of Revenue to adopt rules administering and implementing the exemption; providing requirements and procedures for claiming the exemption; requiring an affidavit to be given by a taxpayer claiming entitlement to the exemption; providing penalties for fraudulently claiming the exemption; providing recordkeeping requirements; providing an effective date.

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

Session Vote Sequence: 831

Speaker Bense in the Chair.

Yeas—115

Adams	Culp	Homan	Porth
Allen	Cusack	Hukill	Proctor
Altman	Davis, D.	Jennings	Quinones
Ambler	Davis, M.	Johnson	Reagan
Anderson	Dean	Jordan	Rice
Antone	Detert	Joyner	Richardson
Arza	Domino	Justice	Rivera
Attkisson	Evers	Kendrick	Robaina
Ausley	Farkas	Kottkamp	Roberson
Barreiro	Fields	Kravitz	Ross
Baxley	Flores	Kreegel	Rubio
Bean	Galvano	Kyle	Russell
Bendross-Mindingall	Gannon	Legg	Ryan
Bense	Garcia	Littlefield	Sands
Benson	Gardiner	Llorente	Sansom
Berfield	Gelber	Lopez-Cantera	Seiler
Bilirakis	Gibson, A.	Machek	Simmons
Bogdanoff	Gibson, H.	Mahon	Slosberg
Bowen	Glorioso	Mayfield	Smith
Brandenburg	Goldstein	McInvale	Sobel
Brown	Goodlette	Meadows	Stansel
Brummer	Grant	Murzin	Taylor
Brutus	Greenstein	Needelman	Traviesa
Bucher	Grimsley	Negron	Troutman
Bullard	Harrell	Patterson	Vana
Carroll	Hasner	Peterman	Waters
Clarke	Hays	Pickens	Williams
Coley	Henriquez	Planas	Zapata
Cretul	Holloway	Poppell	

Nays—None

Votes after roll call:
Yeas—Cannon, Gottlieb, Mealor

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

HB 1489—A bill to be entitled An act relating to the state's aerospace industry; redesignating the "Florida Space Authority" as "Space Florida";

creating s. 331.3011, F.S.; providing legislative intent; amending s. 331.302, F.S.; establishing and creating Space Florida as an independent special district, a body politic and corporate, for certain purposes; providing purposes and duties and responsibilities of Space Florida; providing definitions; revising and consolidating the roles, purposes, responsibilities, assets, and duties of the Florida Space Authority as those of Space Florida; deleting authority to establish facilities and complementary activities; providing additional powers and duties of Space Florida; prohibiting Space Florida from endorsing political candidates or making campaign contributions; characterizing certain property as Space Florida territory; creating s. 331.3051, F.S.; providing additional powers and responsibilities of Space Florida relating to the state's aerospace industry; deleting authority to exercise eminent domain powers; requiring Space Florida to create a business plan and a marketing campaign; directing Space Florida to enter into agreements with the Department of Education, the Department of Transportation, Enterprise Florida, Inc., and Workforce Florida, Inc., for certain purposes; requiring Space Florida to coordinate its activities with federal and state agencies; amending s. 331.308, F.S.; replacing provisions providing for a board of supervisors with provisions providing for a board of directors of Space Florida; providing for designation and appointment of members; providing requirements of board members; providing for terms, removal of members, and filling of vacancies; providing for board meetings; specifying service without compensation; providing for reimbursement of certain expenses; providing financial disclosure requirements; revising powers and duties of the board; amending ss. 331.301, 331.303, 331.305, 331.306, 331.309, 331.310, 331.3101, 331.311, 331.312, 331.313, 331.316, 331.317, 331.318, 331.319, 331.320, 331.321, 331.322, 331.323, 331.324, 331.325, 331.326, 331.327, 331.328, 331.329, 331.331, 331.333, 331.334, 331.335, 331.336, 331.337, 331.338, 331.339, 331.340, 331.343, 331.345, 331.346, 331.347, 331.348, 331.349, 331.350, 331.351, 331.354, 331.355, 331.360, and 331.369, F.S., to conform; amending ss. 14.2015, 74.011, 196.012, 212.02, 288.063, 288.075, 288.35, and 288.9415, F.S., to conform; amending s. 212.08, F.S.; revising the exemption from the sales and use tax on certain machinery and equipment; creating s. 1004.86, F.S.; requiring the Department of Education to contract for the establishment of the Florida Center for Mathematics and Science Education Research at a public or private university; specifying requirements for the center; repealing s. 331.314, F.S., relating to the exclusive authority of the Florida Space Authority to regulate spaceports; repealing s. 331.315, F.S., relating to maintenance of projects across rights-of-way; repealing s. 331.367, F.S., relating to the Spaceport Management Council; repealing s. 331.368, F.S., relating to the Florida Space Research Institute; repealing ss. 331.401, 331.403, 331.405, 331.407, 331.409, 331.411, 331.415, 331.417, and 331.419, F.S., relating to the Florida Aerospace Finance Corporation; requiring the Florida Space Authority, the Florida Space Research Institute, and the Florida Aerospace Finance Corporation to submit articles of dissolution to the Department of State by a specified date; providing that Space Florida assumes the records, property, and unexpended balances of appropriations, allocations, and other funds from the dissolved entities; requiring the Governor, the President of the Senate, and the Speaker of the House of Representatives to appoint the board of directors of Space Florida by a specified date; requiring the board of directors of Space Florida to hold its first meeting by a specified date; amending s. 228.1224, F.S.; requiring the Florida Commission on Tourism to advise and cooperate with Space Florida under certain circumstances; amending ss. 288.9015, 334.044, 445.004, and 1001.10, F.S.; requiring Enterprise Florida, Inc., the Department of Transportation, Workforce Florida, Inc., and the Commissioner of Education to enter into agreement with Space Florida for certain purposes; providing appropriations; providing an effective date.

—was read the third time by title.

Representative(s) Allen offered the following:

(Amendment Bar Code: 072323)

Amendment 4 (with title amendment)—Remove line(s) 2390-2412 and insert:

Section 60. Sections 331.314, 331.315, 331.367, and 331.368, Florida Statutes, are repealed.

Section 61. The Florida Space Authority and the Florida Space Research Institute shall submit articles of dissolution to the Department of State in accordance with s. 607.1403, Florida Statutes, or s. 617.1403, Florida Statutes, as applicable. The Florida Space Authority shall also comply with the dissolution procedures provided s. 189.4042, Florida Statutes. Space Florida, as created by this act, is the successor organization to the Florida Space Authority and the Florida Space Research Institute. The Florida Space Authority and the Florida Space Research Institute shall transfer and Space Florida shall receive all records, property, obligations, and unexpended balances of appropriations, allocations, or other funds of the dissolved entities. To ensure compliance with 26 U.S.C. 501(c)(3), Space Florida shall use the assets and funds transferred to it from the Florida Space Research Institute in a manner consistent with the purposes for which the originating entity received such assets and funds.

======== T I T L E A M E N D M E N T ========

Remove line(s) 60-65 and insert:

Florida Space Research Institute; requiring the Florida Space Authority and the Florida Space Research Institute to submit articles

Rep. Allen moved the adoption of the amendment. Subsequently, **Amendment 4** was withdrawn.

Representative(s) Allen offered the following:

(Amendment Bar Code: 213051)

Amendment 5 (with title amendment)—Remove line(s) 2413-2421 and insert:

Section 62. Notwithstanding s. 331.308(1)(f), Florida Statutes, the current board appointees, including ex officio appointees, to the Florida Space Authority board of supervisors shall complete their appointed terms as members of the Space Florida board of directors. These members shall assist Space Florida with the transition for purposes of ensuring continuity of operations through their historical perspective, insight, and expertise. The Governor shall make appointments to fill the remaining vacancies no later than July 1, 2006. Other vacancies occurring prior to the expiration of a term may be filled as provided in this act. The board of directors of Space Florida shall hold its first meeting no later than August 1, 2006. The board of directors shall appoint a president no later than September 1, 2006. The Executive Office of the Governor shall provide staffing and transitional support to Space Florida until December 31, 2006.

======== T I T L E A M E N D M E N T ========

Remove line(s) 70-72 and insert:

requiring current Florida Space Authority members of the board of supervisors to complete their terms as appointees of the Space Florida board of directors; requiring the Governor to appoint the remaining members of the Space Florida board of directors; requiring the board of directors to appoint a president; requiring the Executive Office of the Governor to provide staffing and transitional support;

Rep. Allen moved the adoption of the amendment, which failed to receive the required two-thirds vote for adoption. The vote was:

Session Vote Sequence: 832

Speaker Bense in the Chair.

Yeas—45

Allen	Brandenburg	Fields	Gottlieb
Ambler	Brutus	Gannon	Henriquez
Antone	Bucher	Garcia	Holloway
Arza	Bullard	Gelber	Jennings
Ausley	Clarke	Gibson, A.	Johnson
Bendross-Mindingall	Cusack	Gibson, H.	Joyner

Justice	Meadows	Ryan	Stansel
Kendrick	Peterman	Sands	Taylor
Kreegel	Pickens	Seiler	Vana
Machek	Porth	Slosberg	
Mayfield	Richardson	Smith	
McInvale	Roberson	Sobel	

Nays—58

Adams	Culp	Hays	Proctor
Altman	Davis, M.	Homan	Reagan
Anderson	Detert	Hukill	Rice
Attkisson	Domino	Kravitz	Rivera
Barreiro	Evers	Kyle	Robaina
Baxley	Farkas	Legg	Ross
Bense	Gardiner	Littlefield	Rubio
Benson	Glorioso	Llorente	Sansom
Berfield	Goldstein	Mahon	Simmons
Bowen	Goodlette	Murzin	Stargel
Brown	Grant	Needelman	Traviesa
Brummer	Greenstein	Negron	Waters
Carroll	Grimsley	Patterson	Williams
Coley	Harrell	Planas	
Cretul	Hasner	Poppell	

Votes after roll call:
Yeas—Bean, Davis, D., Dean, Lopez-Cantera, Mealor, Troutman, Zapata
Nays—Cannon, Galvano, Jordan, Russell
Yeas to Nays—Bean, Davis, D.

Representative(s) Allen offered the following:

(Amendment Bar Code: 525919)

Amendment 6 (with title amendment)—Remove line(s) 2517 and 2518 and insert:
Section 69. This act shall take effect July 1, 2007, and the schedules provided in sections 61 and 62 shall be adjusted accordingly.

======== T I T L E A M E N D M E N T ========
Remove line 82 and insert:
providing appropriations; providing for adjusting certain schedules; providing an effective date.

Rep. Allen moved the adoption of the amendment, which failed to receive the required two-thirds vote for adoption.

The question recurred on the passage of HB 1489. The vote was:

Session Vote Sequence: 833

Speaker Bense in the Chair.

Yeas—109

Adams	Clarke	Goldstein	Legg
Altman	Coley	Goodlette	Littlefield
Ambler	Cretul	Gottlieb	Llorente
Antone	Culp	Grant	Lopez-Cantera
Arza	Cusack	Greenstein	Mahon
Attkisson	Davis, D.	Grimsley	Mayfield
Ausley	Davis, M.	Harrell	McInvale
Barreiro	Dean	Hasner	Meadows
Baxley	Detert	Hays	Murzin
Bean	Domino	Henriquez	Needelman
Bendross-Mindingall	Evers	Holloway	Negron
Bense	Farkas	Homan	Patterson
Benson	Fields	Hukill	Peterman
Berfield	Flores	Jennings	Pickens
Bogdanoff	Galvano	Johnson	Planas
Bowen	Gannon	Jordan	Poppell
Brandenburg	Garcia	Joyner	Porth
Brown	Gardiner	Justice	Proctor
Brummer	Gelber	Kottkamp	Quinones
Brutus	Gibson, A.	Kravitz	Reagan
Bullard	Gibson, H.	Kreegel	Rice
Carroll	Glorioso	Kyle	Richardson
Rivera	Sansom	Stansel	Waters
Robaina	Seiler	Stargel	Williams
Roberson	Simmons	Taylor	Zapata
Rubio	Slosberg	Traviesa	
Russell	Smith	Troutman	
Sands	Sobel	Vana	

Nays—4

Allen	Bucher	Kendrick	Machek

Votes after roll call:
Yeas—Anderson, Cannon, Mealor, Ross, Ryan

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

HB 673—A bill to be entitled An act relating to residential tenancies; amending s. 83.43, F.S.; revising and providing definitions; amending s. 83.595, F.S.; allowing a landlord to terminate a rental agreement and recover liquidated damages for breach of the agreement or charge the tenant an early termination fee, or both, under certain circumstances; providing a limit on the combined total damages and fee; requiring the tenant to indicate acceptance of an early termination fee or liquidated damaged provision in the rental agreement; specifying liability of the tenant for rent, other charges otherwise due, and rental concessions under certain circumstances; providing applicability and certain retroactive effect; providing that the act does not invalidate any liquidated damages or early termination fee in any rental agreement entered into prior to the effective date of the act; providing an effective date.

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

Session Vote Sequence: 834

Speaker Bense in the Chair.

Yeas—110

Adams	Davis, D.	Homan	Porth
Allen	Davis, M.	Hukill	Proctor
Altman	Dean	Jennings	Quinones
Ambler	Detert	Johnson	Reagan
Antone	Domino	Jordan	Rice
Arza	Evers	Joyner	Richardson
Attkisson	Farkas	Justice	Rivera
Ausley	Fields	Kendrick	Robaina
Barreiro	Flores	Kottkamp	Roberson
Baxley	Galvano	Kravitz	Rubio
Bean	Gannon	Kreegel	Russell
Bendross-Mindingall	Garcia	Kyle	Ryan
Bense	Gardiner	Legg	Sands
Benson	Gelber	Littlefield	Sansom
Berfield	Gibson, A.	Llorente	Seiler
Bogdanoff	Gibson, H.	Lopez-Cantera	Simmons
Bowen	Glorioso	Machek	Smith
Brandenburg	Goldstein	Mahon	Sobel
Brown	Goodlette	Mayfield	Stansel
Brummer	Gottlieb	McInvale	Stargel
Brutus	Grant	Murzin	Taylor
Bullard	Greenstein	Needelman	Traviesa
Carroll	Grimsley	Negron	Troutman
Clarke	Harrell	Patterson	Waters
Coley	Hasner	Peterman	Williams
Cretul	Hays	Pickens	Zapata
Culp	Henriquez	Planas	
Cusack	Holloway	Poppell	

Nays—3

Bucher	Slosberg	Vana

Votes after roll call:
Yeas—Anderson, Cannon, Meadows, Ross

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

Special Orders

HB 285—A bill to be entitled An act relating to emergency management; amending s. 252.36, F.S.; providing construction with respect to the authority of the Governor to seize, take, or confiscate firearms in the event of an emergency beyond local control; amending s. 870.044, F.S.; providing construction with respect to the seizure, taking, or confiscation of firearms during a state of emergency; reenacting s. 377.703(3)(a), F.S., relating to the authority of the Governor to utilize specified emergency management powers to carry out emergency actions required by a serious shortage of energy sources under the energy emergency contingency plan of the Department of Environmental Protection, for the purpose of incorporating the amendment to s. 252.36, F.S., in a reference thereto; providing an effective date.

—was read the second time by title.

Representative(s) Needelman offered the following:

(Amendment Bar Code: 298683)

Amendment 1—Remove lines 25 through 49 and insert:

(h) Suspend or limit the sale, dispensing, or transportation of alcoholic beverages, firearms, explosives, and combustibles. However, nothing contained in ss. 252.31-252.90 shall be construed to authorize the seizure, taking, or confiscation of firearms that are lawfully possessed, unless a person is engaged in the commission of a criminal act.

Section 2. Section 870.044, Florida Statutes, is amended to read:

870.044 Automatic emergency measures.--Whenever the public official declares that a state of emergency exists, pursuant to s. 870.043, the following acts shall be prohibited during the period of said emergency throughout the jurisdiction:

(1) The sale of, or offer to sell, with or without consideration, any ammunition or gun or other firearm of any size or description.

(2) The intentional display, after the emergency is declared, by or in any store or shop of any ammunition or gun or other firearm of any size or description.

(3) The intentional possession in a public place of a firearm by any person, except a duly authorized law enforcement official or person in military service acting in the official performance of her or his duty.

Nothing contained in this chapter shall be construed to authorize the seizure, taking, or confiscation of firearms that are lawfully possessed, unless a person is engaged in a criminal act.

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

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

On motion by Rep. Benson, consideration of **HB 805** was temporarily postponed.

HB 1145—A bill to be entitled An act relating to official state designations; creating s. 15.0301, F.S.; designating an official state motto; providing an effective date.

The State Administration Council recommended the following:

HB 1145 CS—A bill to be entitled An act relating to official state designations; creating s. 15.0301, F.S.; designating an official state motto; creating s. 15.052, F.S.; designating the future Admiral John H. Fetterman State of Florida Maritime Museum and Research Center in Pensacola as the official state maritime museum; providing for future review and repeal of the designation; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

HR 1627—A resolution declaring the House of Representatives' view of what the public policy of this state regarding unanimity of jury recommendations in death penalty cases should be.

WHEREAS, the Florida Supreme Court in its opinion in the case of State of Florida v. Alfredie Steele, SC04-802, issued October 12, 2005, suggested that "in light of developments in other states and at the federal level, the Legislature should revisit the statute to require some unanimity in the jury's recommendations" in death penalty cases, and

WHEREAS, the Florida Supreme Court quoted the view of the Supreme Court of Connecticut, which stated in part "[t]he requirement of a unanimous verdict can only assist the capital sentencing jury in reaching such a reasoned decision," and

WHEREAS, the House of Representatives notes that the State of Connecticut has executed only one person since 1976 and that person was a volunteer, and

WHEREAS, the House of Representatives finds that no majority opinion of the United States Supreme Court has suggested that unanimous agreement of a twelve-member jury was required, recommended, or advisable for the determination of whether a death sentence is an appropriate punishment for the commission of a capital crime, and

WHEREAS, the United States Supreme Court has upheld Florida's existing death penalty statute as constitutional in Proffitt v. Florida, 428 U.S. 242 (1976), and the statute has been repeatedly upheld by state and federal appellate courts against constitutional attacks for the past 29 years, and

WHEREAS, the Florida Supreme Court acknowledges that the question of whether Florida's death penalty should require unanimous agreement of the jury before it can be imposed is a matter of public policy for the Legislature to determine, and

WHEREAS, the House of Representatives finds that a requirement of unanimity among twelve jurors is not the proper mechanism to determine whether a death sentence is an appropriate sentence in individual cases because a requirement of unanimity vests with a single juror the ability to override the reasoned judgment of all other jurors weighing and considering the same facts and circumstances, and

WHEREAS, the House of Representatives finds that some of Florida's most notorious and heinous murderers, including Theodore Bundy and Aileen Wuornos, were sentenced to death and executed when the jury recommendation of death was less than unanimous and that these death sentences were just and appropriate despite the lack of unanimity, NOW, THEREFORE,

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

That House of Representatives believes that the public policy of this state should be that unanimous jury recommendations not be required in death penalty cases.

—was read the second time by title.

Representative(s) Seiler offered the following:

(Amendment Bar Code: 788285)

Amendment 1—Remove line 54 and insert:

recommendations on aggravating and mitigating circumstances be required but that unanimous jury recommendations not be required to impose a sentence of death.

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

The question recurred on the adoption of HR 1627, which was adopted.

HB 7151—A bill to be entitled An act relating to adoption; amending s. 63.054, F.S.; requiring a petitioner in a proceeding for termination of parental rights to provide notice to the Office of Vital Statistics of the Department of Health; prohibiting the office from recording a claim of paternity after the date that a termination of parental rights is filed; requiring the department to remove a registrant's name from the Florida Putative Father Registry upon a finding that the registrant has no parental rights; amending s. 63.062, F.S.; modifying consent required for adoption; amending s. 63.182, F.S.; providing that the interest that entitles a person to notice of an adoption must be direct, financial, and immediate; providing an exception; providing that a showing of an indirect, inconsequential, or contingent interest is wholly inadequate; providing construction and applicability; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

HB 7175—A bill to be entitled An act relating to vessels; amending s. 206.606, F.S.; authorizing the use of certain funds for local boating related projects and activities; amending s. 327.59, F.S.; authorizing marina owners, operators, employees, and agents to take actions to secure vessels during severe weather and to charge fees and be held harmless for such service; holding marina operators, employees, and agents liable for damage caused by intentional acts or negligence while removing or securing vessels; authorizing contract provisions and notice relating to removing or securing vessels; amending s. 327.60, F.S.; providing for local regulation of anchoring within mooring fields; amending s. 328.64, F.S.; requiring the Department of Highway Safety and Motor Vehicles to provide forms for certain notification related to vessels; requiring the department to provide by rule for the surrender and replacement of certificates of registration to reflect change of address; amending s. 328.72, F.S.; requiring counties to use funds for specific boating related purposes; requiring counties to provide reports demonstrating specified expenditure of such funds; providing penalties for failure to comply; amending s. 376.11, F.S.; authorizing the distribution of revenues from the Florida Coastal Protection Trust Fund to all local governments for the removal of certain vessels; amending s. 376.15, F.S.; revising provisions relating to the removal of abandoned and derelict vessels; specifying officers authorized to remove such vessels; providing that certain costs are recoverable; requiring the Department of Legal Affairs to represent the Fish and Wildlife Conservation Commission in certain actions; expanding eligibility for disbursement of grant funds for the removal of certain vessels; amending s. 403.813, F.S.; providing exemptions from permitting, registration, and regulation of floating vessel platforms or floating boat lifts by a local government; amending s. 705.101, F.S.; revising the definition of "abandoned property" to include certain vessels; amending s. 705.103, F.S.; revising the terminology relating to abandoned or lost property to conform; amending s. 823.11, F.S.; revising provisions relating to abandoned and derelict vessels and the removal of such vessels; providing a definition of "derelict vessel"; specifying which officers may remove such vessels; directing the Fish and Wildlife Conservation Commission to implement a plan for the procurement of federal disaster funds for the removal of derelict vessels; requiring the Department of Legal Affairs to represent the commission in certain actions; deleting a provision authorizing the commission to delegate certain authority to local governments under certain circumstances; authorizing private property owners to remove certain vessels with required notice; providing that cost of such removal is recoverable; prohibiting private property owners from hindering the removal of certain vessels by vessel owners or agents; providing for jurisdictional imposition of civil penalties for violations relating to certain vessels; providing an effective date.

The State Resources Council recommended the following:

HB 7175 CS—A bill to be entitled An act relating to vessels; amending s. 206.606, F.S.; authorizing the use of certain funds for local boating related projects and activities; amending s. 327.59, F.S.; authorizing marina owners, operators, employees, and agents to take actions to secure vessels during severe weather and to charge fees and be held harmless for such service; holding marina operators, employees, and agents liable for damage caused by intentional acts or negligence while removing or securing vessels; authorizing contract provisions and providing contract notice requirements relating to removing or securing vessels; amending s. 327.60, F.S.; providing for local regulation of anchoring within mooring fields; amending s. 328.64, F.S.; requiring the Department of Highway Safety and Motor Vehicles to provide forms for certain notification related to vessels; requiring the department to provide by rule for the surrender and replacement of certificates of registration to reflect change of address; amending s. 328.72, F.S.; requiring counties to use funds for specific boating related purposes; requiring counties to provide reports demonstrating specified expenditure of such funds; providing penalties for failure to comply; amending s. 376.11, F.S.; authorizing the distribution of revenues from the Florida Coastal Protection Trust Fund to all local governments for the removal of certain vessels; amending s. 376.15, F.S.; revising provisions relating to the removal of abandoned and derelict vessels; specifying officers authorized to remove such vessels; providing that certain costs are recoverable; requiring the Department of Legal Affairs to represent the Fish and Wildlife Conservation Commission in certain actions; expanding eligibility for disbursement of grant funds for the removal of certain vessels; amending s. 403.813, F.S.; providing exemptions from permitting, registration, and regulation of floating vessel platforms or floating boat lifts by a local government; authorizing local governments to require certain permits or registration for floating vessel platforms or floating boat lifts under certain circumstances; amending s. 705.101, F.S.; revising the definition of "abandoned property" to include certain vessels; amending s. 705.103, F.S.; revising the terminology relating to abandoned or lost property to conform; amending s. 823.11, F.S.; revising provisions relating to abandoned and derelict vessels and the removal of such vessels; providing a definition of "derelict vessel"; specifying which officers may remove such vessels; directing the Fish and Wildlife Conservation Commission to implement a plan for the procurement of federal disaster funds for the removal of derelict vessels; requiring the Department of Legal Affairs to represent the commission in certain actions; deleting a provision authorizing the commission to delegate certain authority to local governments under certain circumstances; authorizing private property owners to remove certain vessels with required notice; providing that cost of such removal is recoverable; prohibiting private property owners from hindering the removal of certain vessels by vessel owners or agents; providing for jurisdictional imposition of civil penalties for violations relating to certain vessels; providing an effective date.

—was read the second time by title.

On motion by Rep. Needelman, by the required two-thirds vote, the House agreed to consider the following late-filed amendment.

Representative Needelman offered the following:

(Amendment Bar Code: 241703)

Amendment 1—Remove lines 366 through 378 and insert:
the Board of Trustees of the Internal Improvement Trust Fund and, with the exception of those structures attached to a bulkhead on a parcel of land where there is no docking structure, shall not be subject to any more stringent permitting requirements, registration requirements, or other regulation by any local government. Local governments may require either permitting or one-time registration of floating vessel platforms to be attached to a bulkhead on a parcel of land where there is no other docking structure as necessary to ensure compliance with the exemption criteria in this section; to ensure compliance with local ordinances, codes, or regulations relating to building or zoning, which are no more stringent than the exemption criteria in this section or address subjects other than subjects addressed by the exemption criteria in this section; and to ensure proper installation, maintenance, and precautionary or evacuation action following a tropical storm or hurricane watch of a floating vessel platform or floating boat lift that is proposed to be attached to a bulkhead or parcel of land where there is no other docking structure. The exemption provided in this paragraph shall be in

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

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

HB 7205—A bill to be entitled An act relating to the death penalty; repealing Rule 3.203, Florida Rules of Criminal Procedure, relating to a defendant's mental retardation as a bar to imposition of the death penalty; providing an effective date.

—was read the second time by title.

REPRESENTATIVE STANSEL IN THE CHAIR

Under Rule 10.10(b), HB 7205 was referred to the Engrossing Clerk.

HB 255 was taken up. On motion by Rep. Troutman, CS for CS for SB 258 was substituted for HB 255. Under Rule 5.14, the House bill was laid on the table.

CS for CS for SB 258—A bill to be entitled An act relating to farm labor vehicles; amending s. 316.003, F.S.; providing definitions; repealing s. 316.620, F.S., relating to transportation of migrant farm workers; creating s. 316.622, F.S.; requiring owners and operators of farm labor vehicles to conform such vehicles to certain standards; requiring seat belts at each passenger position in certain vehicles; requiring certain operators to display prescribed stickers on their vehicles; requiring a certain sign to be displayed in such vehicles; providing a presumption for injuries sustained by a worker in a vehicle; providing a penalty; requiring the Department of Highway Safety and Motor Vehicles to provide copies of accident reports to the Department of Business and Professional Regulation; amending s. 318.18, F.S.; creating a penalty for violations regarding farm labor vehicles; amending ss. 320.38, 322.031, and 450.181, F.S.; conforming provisions; amending s. 450.28, F.S.; revising a definition; amending s. 450.33, F.S.; conforming a cross-reference; requiring the department to issue a vehicle authorization sticker denoting the authorization of a vehicle to transport farm workers; requiring the display of the sticker; amending s. 318.21, F.S.; providing for the disposition of fines levied for specified violations of s. 316.622, F.S.; providing an effective date.

—was read the second time by title.

Representative(s) Troutman offered the following:

(Amendment Bar Code: 488405)

Amendment 1—On page 2, line 17,
remove: All of said line

and insert: <u>and maintained for the transportation of nine or more migrant</u>

Rep. Troutman moved the adoption of the amendment.

Representative(s) Stansel offered the following:

(Amendment Bar Code: 491113)

Substitute Amendment 1—On page 2, lines 16-17,
remove: All of said lines

and insert:
(62) <u>FARM LABOR VEHICLE.--Any vehicle equipped and used for the transportation of nine or more migrant</u>

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

Representative(s) Troutman offered the following:

(Amendment Bar Code: 696163)

Amendment 2—On page 7, line 10,
remove: All of said line

and insert: <u>migrant or seasonal farm workers a display sticker issued by the department, which</u>

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

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

HB 7085 was taken up. On motion by Rep. Adams, SB 1756 was substituted for HB 7085. Under Rule 5.14, the House bill was laid on the table.

SB 1756—A bill to be entitled An act relating to succession to the office of Governor; amending s. 14.055, F.S.; deleting the Secretary of State, Comptroller, Treasurer, and Commissioner of Education from the order of succession to the office of Governor; providing that the Chief Financial Officer shall become Governor upon vacancies in the offices of Governor, Lieutenant Governor, and Attorney General; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

HB 761—A bill to be entitled An act relating to trespass on the property of a certified domestic violence center; amending s. 810.09, F.S.; providing that a person commits a felony of the third degree if he or she trespasses on the property of a certified domestic violence center; providing a penalty; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

HB 947—A bill to be entitled An act relating to long-term care coverage; amending s. 409.905, F.S.; revising conditions for eligibility for nursing and rehabilitative services; repealing s. 409.905(8), F.S., as amended, to delete a conflicting provision relating to eligibility for nursing and rehabilitative services that was contingent upon amendment to the Social Security Act; reenacting and amending s. 409.9102, F.S.; directing the Agency for Health Care Administration to amend the Medicaid state plan that established the Florida Long-term Care Partnership Program for purposes of compliance with provisions of the Social Security Act; revising conditions for qualification for coverage; requiring consultation with the Department of Children and Family Services; amending s. 4, ch. 2005-252, Laws of Florida, to delete a contingency in an effective date; providing an effective date.

The Health & Families Council recommended the following:

HB 947 CS—A bill to be entitled An act relating to long-term care coverage; reenacting and amending s. 409.9102, F.S.; directing the Agency for Health Care Administration, in consultation with the Office of Insurance Regulation and the Department of Children and Family Services, to amend the Medicaid state plan that established the Florida Long-Term Care Partnership Program for purposes of compliance with provisions of the Social Security Act; establishing a qualified state Long-Term Care Insurance Partnership Program in Florida; providing duties of the program; requiring consultation with the Office of Insurance Regulation and the Department of Children and Family Services for the creation of standards for certain information; providing rulemaking authority to the agency for implementation of s. 409.9102, F.S.; providing rulemaking authority to the department regarding determination of eligibility for certain services; creating s. 627.94075, F.S.; providing rulemaking authority to the Financial Services Commission for the implementation of a qualified state Long-Term Care Insurance Partnership Program in Florida; repealing ss. 1 and 2 of ch. 2005-252, Laws of Florida, to delete conflicting provisions relating to the determination of eligibility for nursing and rehabilitative services and the establishment of the Florida Long-Term Care Partnership Program that were contingent upon amendment to the

Social Security Act; amending s. 4 of ch. 2005-252, Laws of Florida, to delete a contingency in an effective date; requiring the Office of Program Policy Analysis and Government Accountability to submit a report on the implementation of a qualified state Long-Term Care Insurance Partnership Program in Florida to the Governor and Legislature; providing an effective date.

—was read the second time by title.

Representative Farkas offered the following:

(Amendment Bar Code: 538987)

Amendment 1 (with title amendment)—Between lines 116 and 117, insert:

Section 6. Section 627.94076, Florida Statutes, is created to read:

627.94076 Time limit on certain defenses.--Notwithstanding the provisions of s. 627.607, each long-term care insurance policy shall provide that the policy shall be incontestable after it has been in force during the lifetime of the insured for a period of 2 years after its date of issue except for nonpayment of premiums.

Section 7. Section 627.9403, Florida Statutes, is amended to read:

627.9403 Scope.--The provisions of this part shall apply to long-term care insurance policies delivered or issued for delivery in this state, and to policies delivered or issued for delivery outside this state to the extent provided in s. 627.9406, by an insurer, a fraternal benefit society as defined in s. 632.601, a health maintenance organization as defined in s. 641.19, a prepaid health clinic as defined in s. 641.402, or a multiple-employer welfare arrangement as defined in s. 624.437. A policy which is advertised, marketed, or offered as a long-term care policy and as a Medicare supplement policy shall meet the requirements of this part and the requirements of ss. 627.671-627.675 and, to the extent of a conflict, be subject to the requirement that is more favorable to the policyholder or certificateholder. The provisions of this part shall not apply to a continuing care contract issued pursuant to chapter 651 and shall not apply to guaranteed renewable policies issued prior to October 1, 1988. Any limited benefit policy that limits coverage to care in a nursing home or to one or more lower levels of care required or authorized to be provided by this part or by commission rule is a type of long-term care insurance policy that must meet all requirements of this part that apply to long-term care insurance policies, except ss. 627.9407(3)(c), (9), (10)(f), and (12) and 627.94073(2). ~~If the limited benefit policy does not provide coverage for care in a nursing home, but does provide coverage for one or more lower levels of care, the policy shall also be exempt from the requirements of s. 627.9407(3)(d).~~

Section 8. Subsections (1) and (7) of section 627.9404, Florida Statutes, are amended to read:

627.9404 Definitions.--For the purposes of this part:

(1) "Long-term care insurance policy" means any insurance policy or rider advertised, marketed, offered, or designed to provide coverage on an expense-incurred, indemnity, prepaid, or other basis for one or more necessary or medically necessary diagnostic, preventive, therapeutic, curing, treating, mitigating, rehabilitative, maintenance, or personal care services provided in a setting other than an acute care unit of a hospital. Long-term care insurance shall not include any insurance policy which is offered primarily to provide basic Medicare supplement coverage, basic hospital expense coverage, basic medical-surgical expense coverage, hospital confinement indemnity coverage, major medical expense coverage, disability income protection coverage, accident only coverage, specified disease or specified accident coverage, or limited ~~benefit~~ health insurance coverage not otherwise defined as long-term care insurance.

(7) "Limited benefit policy" means any long-term care insurance policy that limits coverage to care in a nursing home or to one or more lower levels of care required or authorized to be provided by this part or by commission rule.

Section 9. Subsections (3) and (7) of section 627.9407, Florida Statutes, are amended to read:

627.9407 Disclosure, advertising, and performance standards for long-term care insurance.--

(3) RESTRICTIONS.--A long-term care insurance policy may not:

(a) Be canceled, nonrenewed, or otherwise terminated on the grounds of the age or the deterioration of the mental or physical health of the insured individual or certificateholder; however, the office may authorize nonrenewal for an insurer on a statewide basis on terms and conditions determined to be necessary by the office to protect the interests of the insureds, if the insurer demonstrates that renewal will jeopardize the insurer's solvency or that substantial and unexpected loss experience cannot reasonably be mitigated or remedied.

(b) Contain a provision establishing a new waiting period in the event existing coverage is converted to or replaced by a new or other form within the same insurer or any affiliated insurer, except with respect to an increase in benefits voluntarily selected by the insured individual or group policyholder.

(c) Restrict its coverage to care only in a nursing home licensed pursuant to part II of chapter 400 or provide significantly more coverage for such care than coverage for lower levels of care. The commission shall adopt rules defining what constitutes significantly more coverage in nursing homes licensed pursuant to part II of chapter 400 than for lower levels of care.

~~(d) Provide coverage for less than 24 consecutive months for nursing home care for each covered person.~~

(d)~~(e)~~ Contain an elimination period in excess of 180 days. As used in this paragraph, the term "elimination period" means the number of days at the beginning of a period of confinement for which no benefits are payable.

(7) RATE STRUCTURE.--

(a) A long-term care insurance policy may not be issued if the premiums to be charged are calculated to increase based solely on the age of the insured.

(b) Any long-term care insurance policy or certificate issued or renewed, at the option of the policyholder or certificateholder, shall make available to the insured the contingent benefit upon lapse as provided in the Long-Term Care Insurance Model Regulation adopted by the National Association of Insurance Commissioners in the second quarter of the year 2000.

(c) Any premium increase for existing insureds shall not result in a premium charged to the insureds that would exceed the premium charged on a newly issued insurance policy, except to reflect benefit differences. If the insurer is not currently issuing new coverage, the new business rate shall be as published by the office at the rate representing the new business rate of insurers representing 80 percent of the carriers currently issuing policies with similar coverage as determined by the prior calendar year earned premium.

(d) Compliance with the pooling provisions of s. 627.410(6)(e)3. shall be determined by pooling the experience of all affiliated insurers.

Section 10. Subsection (3) of section 641.2018, Florida Statutes, is amended to read:

641.2018 Limited coverage for home health care authorized.--

(3) Any contract that limits coverage to home health care benefits as provided in this section must also meet all of the requirements of ss. 627.9403-627.9408 of the Long-Term Care Insurance Act, except s. 627.9407(3)(c)~~, (d),~~ and (9).

Section 11. This act shall apply to long-term care insurance policies issued or renewed on or after July 1, 2006. For any long-term care insurance policy issued prior to July 1, 2006, the provisions of section 6 shall apply to such policy only upon renewal of such policy on or after July 1, 2008, and the policy shall so provide by endorsement to the policy.

======== T I T L E A M E N D M E N T ========

Remove line 38 and insert:

and Legislature; creating s. 627.94076, F.S.; requiring long-term care insurance policies to provide incontestability after a certain time period; providing an exception; amending s. 627.9403, F.S.; specifying that certain limited benefit policies are a type of long-term care insurance policy; deleting an exemption from a minimum time period coverage requirement for certain limited benefit policies; amending s. 627.9404, F.S.; revising definitions; amending s. 627.9407, F.S.; revising certain restrictions on long-term care insurance policies; providing additional rate structure requirements for long-term care insurance policies; amending s. 641.2018, F.S.; correcting a cross-reference; providing application; providing an effective date.

Rep. Farkas moved the adoption of the amendment.

Rep. Clarke moved that a late-filed amendment to the amendment be allowed for consideration, which was not agreed to by the required two-thirds vote.

The late-filed amendment to the amendment by Rep. Clarke was not late-filed. Subsequently, the amendment to the amendment (Amendment Bar Code: 808081) was withdrawn.

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

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

HB 1221—A bill to be entitled An act relating to district school boards; creating s. 1001.364, F.S.; providing for an alternate procedure for the election of a district school board chair in any school district that does not have a district school board member elected at large; requiring a referendum and providing requirements for submitting such referendum to the electors; creating s. 1001.365, F.S.; providing for resolution of a tie vote by the district school board chair and district school board members; amending s. 1001.371, F.S., relating to organization of district school boards, to conform; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

HB 7089—A bill to be entitled An act relating to facilities for retained spring training franchises; amending s. 212.20, F.S.; revising a limitation on certain distributions to certified facilities for a retained spring training franchise; deleting a provision entitling an applicant to receive certain distributions without additional certification; amending s. 288.1162, F.S.; requiring the Office of Tourism, Trade, and Economic Development to competitively evaluate applications for funding of certain additional facilities; providing application and certification requirements; specifying evaluation criteria; revising the number of certifications of such facilities; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

HB 375 was taken up. On motion by Rep. Barreiro, CS for SB 738 was substituted for HB 375. Under Rule 5.14, the House bill was laid on the table.

CS for SB 738—A bill to be entitled An act relating to motor vehicle registration forms; requiring the application form to be revised to allow each applicant to make a contribution to the Miami Heart Research Institute, Inc., doing business as the Florida Heart Research Institute; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

HB 147—A bill to be entitled An act relating to criminal prosecutions; creating s. 918.19, F.S.; prescribing rights of the prosecution in closing arguments; repealing Rule 3.250, Florida Rules of Criminal Procedure, relating to the accused as a witness and being entitled to concluding arguments before the jury, to the extent of inconsistency with the act; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

HB 25—A bill to be entitled An act relating to violent felony offenders; providing a short title; creating s. 903.0351, F.S.; prohibiting bail or other pretrial release for specified violent felony offenders of special concern without a hearing; amending s. 948.06, F.S.; providing definitions; providing that certain alleged violations of probation or community control by violent felony offenders of special concern require hearings and require the alleged offenders to remain in custody pending hearing; providing requirements for such hearings; amending s. 921.0024, F.S.; revising Criminal Punishment Code worksheet computations to provide additional community sanction violation points for certain community sanction violations committed by violent felony offenders of special concern; reenacting ss. 948.012(2)(b), 948.10(9), and 958.14, F.S., relating to split sentence of probation or community control and imprisonment, community control programs, and violation of probation or community control, respectively, to incorporate the amendment to s. 948.06, F.S., in references thereto; providing an effective date.

—was read the second time by title.

REPRESENTATIVE HENRIQUEZ IN THE CHAIR

Under Rule 10.10(b), HB 25 was referred to the Engrossing Clerk.

HB 5043—A bill to be entitled An act relating to trust funds; terminating certain specified trust funds within the Department of Agriculture and Consumer Services and transferring the funds to other trust funds in the department; renaming trust funds within the Department of Agriculture and Consumer Services, the Department of the Lottery, and the Division of Administrative Hearings of the Department of Management Services; transferring certain accounts within the Grants and Donations Trust Fund of the Department of Management Services to the Operating Trust Fund of the Department of Management Services; amending ss. 215.20, 550.2625, 550.2633, 570.382, 215.22, 589.277, 24.114, 24.120, 24.121, 403.518, 403.5365, 403.9421, 552.40, 282.22, 287.042, 287.057, and 287.1345, F.S.; conforming provisions to changes made by the act; reenacting s. 550.0351(4), F.S., relating to charity racing days, to incorporate the amendments made to s. 550.2625, F.S., in a reference thereto; reenacting ss. 43.16(1) and 570.07(41), F.S., relating to exempting the Justice Administrative Commission from certain fees and authorizing the use of the on-line procurement system of the Department of Agriculture and Consumer Services, respectively, to incorporate the amendments made to s. 287.057, F.S., in references thereto; providing effective dates.

—was read the second time by title.

Representative(s) Barreiro offered the following:

(Amendment Bar Code: 386787)

Amendment 1 (with title amendment)—Between line(s) 684 and 685 insert:

Section 24. Paragraph (d) of subsection (2) of section 794.055, Florida Statutes, is amended, present paragraphs (h) and (i) of that subsection are redesignated as paragraphs (i) and (j), respectively, a new paragraph (h) is added to that subsection, and paragraphs (a) and (b) of subsection (3) of that section are amended, to read:

794.055 Access to services for victims of sexual battery.--

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

(d) "Rape crisis center" means any public or private agency that provides ~~offers at least five of the~~ sexual battery recovery services ~~in paragraph (g)~~ to victims of sexual battery and their families and is certified by the statewide nonprofit association.

(h) "Statewide nonprofit association" means the federally recognized sexual assault coalition whose primary purpose is to represent and provide technical assistance to rape crisis centers.

(3)(a) The department shall contract with the ~~a~~ statewide nonprofit association ~~whose primary purpose is to represent and provide technical assistance to rape crisis centers~~. The statewide nonprofit ~~This~~ association shall receive 95 percent of the moneys appropriated from the Rape Crisis Program Trust Fund.

(b) Funds received under s. 938.085 shall be used to provide sexual battery recovery services to victims and their families. Funds shall be distributed to rape crisis centers ~~by county,~~ based on an allocation formula developed by the statewide nonprofit association that takes into account the population and rural characteristics of each ~~the~~ county. No more than 15 percent of the funds shall

be used for statewide initiatives~~, including developing service standards and a certification process for rape crisis centers~~. No more than 5 percent of the funds may be used for administrative costs.

Section 25. Section 794.056, Florida Statutes, is amended to read:

794.056 Rape Crisis Program Trust Fund.--

(1) The Rape Crisis Program Trust Fund is created within the Department of Health for the purpose of providing funds for rape crisis centers in this state. Trust fund moneys shall be used exclusively for the purpose of providing services for victims of sexual assault. Funds credited to the trust fund consist of those funds collected as an additional court assessment in each case in which a defendant pleads guilty or nolo contendere to, or is found guilty of, regardless of adjudication, an offense defined in s. 784.011, s. 784.021, s. 784.03, s. 784.041, s. 784.045, s. 784.048, s. 784.07, s. 784.08, s. 784.081, s. 784.082, s. 783.083, s. 785.085, or s. 794.011. Funds credited to the trust fund also shall include revenues provided by law, moneys appropriated by the Legislature, and grants from public or private entities.

(2) The Department of Health shall establish by rule criteria consistent with the provisions of s. 794.055(3)(a) for distributing moneys from the trust fund to rape crisis centers.

======== T I T L E A M E N D M E N T ========

Remove line 25 and insert:

references thereto; amending s. 794.055, F.S.; revising and providing definitions; requiring the Department of Health to contract with a statewide nonprofit association to provide assistance to rape crisis centers; providing for distribution of funds; amending s. 794.056, F.S.; providing for funds to be credited to the Rape Crisis Program Trust Fund; requiring distribution of trust fund moneys to be consistent with the allocation formula developed by the statewide nonprofit association; providing effective dates.

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

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

HB 21—A bill to be entitled An act relating to the social status of African-American men and boys; creating the Council on the Social Status of African-American Men and Boys; providing for the appointment and qualification of members; providing for the appointment of members to fill vacant positions; requiring the council to make a systematic study of conditions affecting African-American men and boys; requiring the Office of the Attorney General to provide administrative support; requiring the council to submit an annual report to the Governor and Legislature; providing for reimbursement for per diem and travel expenses; requiring the Attorney General to organize the initial meeting of the council; providing for the expiration of the council; providing an effective date.

The Health & Families Council recommended the following:

HB 21 CS—A bill to be entitled An act relating to the social status of black men and boys; creating the Council on the Social Status of Black Men and Boys; providing for the appointment and qualification of members; providing for the appointment of members to fill vacant positions; requiring the council to make a systematic study of conditions affecting black men and boys; requiring the Office of the Attorney General to provide administrative support; requiring the council to submit an annual report to the Governor and Legislature; providing for reimbursement for per diem and travel expenses; providing that the council and any subcommittees it forms are subject to public records and meetings requirements; providing financial disclosure requirements for council members; requiring the Attorney General to organize the initial meeting of the council; providing for the expiration of the council; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

HB 1031—A bill to be entitled An act relating to pawnbroking; amending s. 539.001, F.S.; providing that local ordinances may not require the payment of any fee related to a pawn transaction unless authorized under the Florida Pawnbroking Act; providing an effective date.

The Agriculture Committee recommended the following:

HB 1031 CS—A bill to be entitled An act relating to pawnbroking; amending s. 539.001, F.S.; providing that local ordinances shall not require the payment of any fee or tax related to a pawn transaction or purchase unless authorized under the Florida Pawnbroking Act; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

HB 1173—A bill to be entitled An act relating to driver history records; creating the "Jeffrey Klapatch Act"; amending s. 322.20, F.S.; providing for the Division of Driver Licenses of the Department of Highway Safety and Motor Vehicles to implement a system that provides the adult who signed a minor's application for a driver's license with Internet access to the driver history record of the minor; providing for termination of such access; providing an effective date.

The Transportation Committee recommended the following:

HB 1173 CS—A bill to be entitled An act relating to driver history records; creating the "Jeffrey Klapatch Act"; amending s. 322.20, F.S.; providing for the Division of Driver Licenses of the Department of Highway Safety and Motor Vehicles to implement a system that provides the parents or guardian of a minor or the adult who signed a minor's application for a driver's license with Internet access to the driver history record of the minor; providing that no fee will be charged for such access; providing for termination of such access; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

HB 1417—A bill to be entitled An act relating to hospices; amending s. 400.602, F.S.; providing for licensure of for-profit hospices; limiting the location of for-profit hospices to defined service areas; providing a definition; requiring a report to the Legislature; providing an effective date.

The Health Care Appropriations Committee recommended the following:

HB 1417 CS—A bill to be entitled An act relating to hospices; amending s. 400.601, F.S.; revising the definition of the term "hospice"; amending s. 400.602, F.S.; requiring that a hospice state the year of initial licensure in the state; prescribing the manner and placement of such notification; providing an exception; deleting provisions authorizing the transfer of certain hospices and the acquisition of additional licenses; amending s. 400.606, F.S.; providing that the Agency for Health Care Administration may not deny a license to applicants that fail to meet certain conditions when good cause for such failure can be demonstrated; amending s. 400.6105, F.S.; requiring a hospice to use trained volunteers and to document and report certain volunteer information; requiring the Office of Program Policy Analysis and Government Accountability to submit a report to the Legislature; providing legislative intent; requiring the Department of Elderly Affairs, in conjunction with the agency and all hospices licensed in the state, to develop certain outcome measures; providing for adoption of national initiatives; requiring an annual report; providing for severability; providing an effective date.

—was read the second time by title.

On motion by Rep. Sansom, by the required two-thirds vote, the House agreed to consider the following late-filed amendment.

Representative(s) Sansom offered the following:

(Amendment Bar Code: 560751)

Amendment 1 (with directory and title amendments)—Remove line(s) 133-142 and insert:
for Health Care Administration, shall develop outcome measures to determine the quality and effectiveness of hospice care for hospices licensed in the state. At a minimum, these outcome measures shall include a requirement that 50 percent of patients who report severe pain on a 0-to-10 scale must report a reduction to 5 or less by the end of the 4th day of care on the hospice program.

(2) For hospices licensed in the state, the Department of Elderly Affairs, in conjunction with the Agency for Health Care Administration, shall:

======== T I T L E A M E N D M E N T ========

Remove line(s) 24 and 25 and insert:
conjunction with the agency, to develop certain outcome measures; providing

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

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

HB 605—A bill to be entitled An act relating to public records; amending s. 119.071, F.S.; providing an exemption from public records requirements for the home addresses, telephone numbers, social security numbers, and photographs of current or former juvenile probation officers, juvenile probation supervisors, detention superintendents, assistant detention superintendents, senior juvenile detention officers, juvenile detention officer supervisors, juvenile detention officers, house parents I and II, house parent supervisors, group treatment leaders, group treatment leader supervisors, and rehabilitation therapists of the Department of Juvenile Justice, the names, home addresses, telephone numbers, social security numbers, photographs, and places of employment of spouses and children of such personnel, and the names and locations of schools and day care facilities attended by the children of such personnel; providing a condition precedent to the granting of such exemption; providing for review and repeal; reenacting s. 409.2577, F.S., relating to disclosure of information to the parent locator service of the Department of Children and Family Services, for the purpose of incorporating the amendment to s. 119.071, F.S., in a reference thereto; providing a statement of public necessity; providing an effective date.

The Juvenile Justice Committee recommended the following:

HB 605 CS—A bill to be entitled An act relating to public records; amending s. 119.071, F.S.; providing an exemption from public records requirements for the home addresses, telephone numbers, and photographs of current or former juvenile probation officers, juvenile probation supervisors, detention superintendents, assistant detention superintendents, senior juvenile detention officers, juvenile detention officer supervisors, juvenile detention officers, house parents I and II, house parent supervisors, group treatment leaders, group treatment leader supervisors, rehabilitation therapists, and social services counselors of the Department of Juvenile Justice, the names, home addresses, telephone numbers, and places of employment of spouses and children of such personnel, and the names and locations of schools and day care facilities attended by the children of such personnel; providing for review and repeal; reenacting s. 409.2577, F.S., relating to disclosure of information to the parent locator service of the Department of Children and Family Services, for the purpose of incorporating the amendment to s. 119.071, F.S., in a reference thereto; providing a statement of public necessity; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

HB 583—A bill to be entitled An act relating to correctional and law enforcement officer discipline; amending s. 112.533, F.S.; requiring verification of the contents of certain investigative reports; amending s. 112.534, F.S.; providing for investigations of complaints alleging specified procedural violations; requiring a log of specified complaints; providing an effective date.

The Governmental Operations Committee recommended the following:

HB 583 CS—A bill to be entitled An act relating to correctional and law enforcement officer discipline; amending s. 112.533, F.S.; requiring certain investigative reports to include a statement relating to compliance with ss. 112.532 and 112.533, F.S., and to be verified; requiring certain statements to be made under oath and subject to prosecution for perjury; providing an effective date.

—was read the second time by title.

Rep. Vana moved that a late-filed amendment be allowed for consideration, which was not agreed to by the required two-thirds vote.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

HB 7239—A bill to be entitled An act relating to the Department of Agriculture and Consumer Services; amending s. 493.6106, F.S.; clarifying that private investigative, private security, and repossession services are licensed by the department; amending s. 493.6121, F.S.; authorizing the department to institute judicial proceedings to enforce ch. 493, F.S., or any rule or order of the department; amending s. 493.6303, F.S.; revising the requirements for a Class "D" private security license; requiring the department to establish the number of hours of each subject area to be taught in training; providing for automatic suspension of a license upon failure to submit documentation of completing the required training; prescribing requirements and conditions for persons licensed before a certain date; providing exemptions; amending s. 501.059, F.S.; prohibiting a telephone solicitor from blocking certain information from a recipient's caller identification service; providing an exception; authorizing a telephone solicitor to substitute certain information provided to the recipient's caller identification service; providing a definition; prohibiting alteration of a caller's voice during a telephonic sales call under certain circumstances and for certain purposes; amending s. 501.142, F.S.; providing that the regulation of refunds in retail sales establishments is preempted to the department; authorizing the department to adopt rules; authorizing the department to enter orders for certain violations; requiring that any moneys recovered by the department as a penalty be deposited in the General Inspection Trust Fund; authorizing a local government to impose penalties; requiring that any moneys recovered by a local government as a penalty be deposited in the appropriate local account; amending s. 506.5131, F.S.; revising provisions relating to assessment of fees, fines, and costs against the owner of a shopping cart; providing an exemption; amending s. 525.01, F.S.; defining the term "alternative fuel" for purposes of ch. 525, F.S., relating to the inspection of gasoline and oil; amending s. 527.11, F.S.; exempting the delivery of certain amounts of propane gas for use with outdoor equipment or appliances from provisions governing the delivery of liquefied petroleum gas; requiring that a person delivering liquefied petroleum gas in bulk comply with certain storage requirements; amending ss. 570.46 and 570.47, F.S.; authorizing the Division of Standards within the department to enforce ch. 527, F.S., relating to the sale of liquefied petroleum gas; amending s. 570.544, F.S.; deleting provisions requiring that an office or agency receiving a complaint file progress reports with the Division of Consumer Services within the department; repealing s. 526.3135, F.S., relating to reports by the Division of Standards, to conform to changes made by the act; amending s. 616.242, F.S.; exempting certain governmental entities from requirements that operators of amusement rides maintain specified amounts of insurance coverage; providing effective dates.

—was read the second time by title.

Representative Attkisson offered the following:

(Amendment Bar Code: 305931)

Amendment 1—Remove line 238 and insert:
shall not apply to any ordinance adopted after January 31, 2002, and prior to June 30, 2002, that

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

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

HB 825—A bill to be entitled An act relating to the Financial Literacy Council; creating the council; providing purposes; providing for membership; providing for meetings, procedures, records, and reimbursement for travel and per diem expenses; prohibiting compensation for council members; providing powers and duties of the council; providing for resources of the council; requiring that any funds received by the council be deposited in the Administrative Trust Fund; providing for expiration of the council; requiring annual reports to the Governor and Legislature; providing a contingent appropriation; providing for construction; providing a limitation on expenditures of certain grant funds; providing an effective date.

The Economic Development, Trade & Banking Committee recommended the following:

HB 825 CS—A bill to be entitled An act relating to the Financial Literacy Council; creating the council; providing purposes; providing for membership; providing for reimbursement for per diem and travel expenses; providing for meetings, procedures, and records; providing powers and duties of the council; providing for resources of the council; requiring that any funds received by the council be deposited in the Department of Financial Services Administrative Trust Fund; providing for expiration of the council; requiring annual reports to the Governor and Legislature; providing a contingent appropriation; providing for construction; providing a limitation on expenditures of certain grant funds; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

HB 1141—A bill to be entitled An act relating to conveyances of land; creating s. 689.072, F.S.; providing for the transfer and creation of custodial property in an individual retirement account or certain qualified plans; incorporating statutory provisions into such transfer; providing powers to the custodian or trustee of such custodial property; providing protections for persons dealing with the custodian or trustee; exempting certain transfers from specific claims; providing for the disposition of custodial property held in an account, plan or custodianship that is terminated; providing a standard of care for the custodian or trustee; providing for certain declarations to control in specific legal proceedings; providing that provisions relating to deeds under statute of uses are not applicable to a transfer by a custodian or trustee under the act; providing for liberal construction; providing an effective date.

The Justice Council recommended the following:

HB 1141 CS—A bill to be entitled An act relating to conveyances of land; creating s. 689.072, F.S.; providing for the transfer and creation of custodial property in an individual retirement account or certain qualified plans; incorporating statutory provisions into such transfer; providing powers to the custodian or trustee of such custodial property; providing protections for persons dealing with the custodian or trustee; exempting certain transfers from specific claims; providing for the disposition of custodial property held in an account, plan or custodianship that is terminated; providing a standard of care for the custodian or trustee; providing for certain declarations to control in specific legal proceedings; providing that provisions relating to deeds under statute of uses are not applicable to a transfer by a custodian or trustee under the act; providing for liberal construction; creating s. 694.17, F.S.; providing that certain recorded instruments transferring certain interests in real property to a custodian or trustee are ratified, confirmed, and validated; specifying vesting of such interests in the custodian or trustee; specifying nonapplication of provisions relating to deeds under statute of uses; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

HB 669—A bill to be entitled An act relating to the Criminal Justice Standards and Training Commission; creating s. 943.132, F.S.; requiring the Criminal Justice Standards and Training Commission to adopt rules for the implementation of the federal Law Enforcement Officers Safety Act of 2004; requiring the commission to develop and authorize a uniform firearms proficiency verification card to be issued to certain qualified law enforcement officers and qualified retired law enforcement officers; authorizing the use of specified facilities operating firing ranges for testing of persons other than law enforcement officers; providing an effective date.

The Criminal Justice Committee recommended the following:

HB 669 CS—A bill to be entitled An act relating to the Criminal Justice Standards and Training Commission; creating s. 943.132, F.S.; requiring the Criminal Justice Standards and Training Commission to adopt rules for the implementation of the federal Law Enforcement Officers Safety Act of 2004; requiring the commission to develop and authorize the issuance of a uniform firearms proficiency verification card; authorizing the use of specified facilities operating firing ranges for testing of persons other than law enforcement officers; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

HB 531—A bill to be entitled An act relating to Prosperity Campaigns; creating s. 445.057, F.S.; establishing the Prosperity Campaign Office to be administratively housed in Workforce Florida, Inc.; providing duties of the office; providing for establishment of the Florida Prosperity Campaign Council; providing membership and responsibilities; providing for meetings and reimbursement for per diem and travel expenses; requiring development of financial literacy instruction to be included in high school life management skills coursework; encouraging each Prosperity Campaign to perform certain activities, including connecting low-wage workers to economic benefits programs and offering additional services; providing reporting requirements; providing for repeal unless reviewed and saved from repeal; amending s. 1003.43, F.S., relating to general requirements for high school graduation; requiring financial literacy instruction to be part of the life management skills credit requirement; providing an effective date.

The Community Colleges & Workforce Committee recommended the following:

HB 531 CS—A bill to be entitled An act relating to Prosperity Campaigns; creating s. 445.057, F.S.; establishing the Florida Prosperity Campaign Council within Workforce Florida, Inc.; providing membership; providing for meetings and reimbursement for per diem and travel expenses; providing duties of the council; requiring development of financial literacy instruction to be included in high school life management skills coursework; providing reporting requirements; providing for repeal; amending s. 1003.43, F.S., relating to general requirements for high school graduation; requiring financial literacy instruction to be part of the life management skills credit requirement; providing an appropriation; providing an effective date.

—was read the second time by title.

Representative(s) Jennings offered the following:

(Amendment Bar Code: 583447)

Amendment 1 (with title amendment)—Remove line(s) 88-142 and insert:

(c) Take other action as necessary to meet its statutory mission as described in subsection (1).

(7) By June 30, 2007, and annually thereafter, the council shall provide a detailed report to the Governor, the President of the Senate, and the Speaker of the House of Representatives on the council's performance of the responsibilities required by subsection (6). The report shall include an assessment of the effectiveness of Prosperity Campaigns and an evaluation of

obstacles to that effectiveness and shall make recommendations for legislative action.

(8) The provisions of this section shall stand repealed on July 1, 2010, unless saved from repeal through reenactment by the Legislature.

======== T I T L E A M E N D M E N T ========

Remove line(s) 12-18 and insert:

council; providing reporting requirements; providing for repeal; providing an

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

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

HB 187—A bill to be entitled An act relating to lawful testing for alcohol, chemical substances, or controlled substances; amending s. 316.1932, F.S.; revising provisions to notify a person that refusal to submit to a lawful test of the person's breath, urine, or blood is a misdemeanor, to conform to changes made by the act; revising language relating to presumption of consent to submit to a blood test; removing reference to treatment at a medical facility; amending s. 316.1933, F.S.; directing a law enforcement officer to require a person driving or in actual physical control of the motor vehicle to submit to a blood test for the purpose of determining alcoholic content of the blood or the presence of specified chemical or controlled substances if that person has refused or failed to submit to a lawful urine test; amending s. 316.1939, F.S.; removing prior suspension as a condition for the commission of a misdemeanor by refusal to submit to a lawful test of breath, urine, or blood; amending s. 327.352, F.S.; revising provisions to notify a person that refusal to submit to a lawful test of the person's breath, urine, or blood is a misdemeanor, to conform to changes made by the act; revising language relating to presumption of consent to submit to a blood test; removing reference to treatment at a medical facility; amending s. 327.353, F.S.; directing a law enforcement officer to require a person operating or in actual physical control of the vessel to submit to a blood test for the purpose of determining alcoholic content of the blood or the presence of specified chemical or controlled substances if that person has refused or failed to submit to a lawful urine test; amending s. 327.359, F.S.; removing prior suspension as a condition for the commission of a misdemeanor by refusal to submit to a lawful test of breath, urine, or blood; providing an effective date.

The Justice Council recommended the following:

HB 187 CS—A bill to be entitled An act relating to lawful testing for alcohol, chemical substances, or controlled substances; amending s. 316.1932, F.S.; revising provisions to notify a person that refusal to submit to a lawful test of the person's breath, urine, or blood is a misdemeanor, to conform to changes made by the act; limiting information to be made available to a person tested to determine the amount of alcohol in the person's blood or breath or the presence of chemical substances or controlled substances; amending s. 316.1939, F.S.; removing prior suspension as a condition for the commission of a misdemeanor by refusal to submit to a lawful test of breath, urine, or blood; providing penalties for refusal to submit to testing; amending s. 327.352, F.S.; revising provisions to notify a person that refusal to submit to a lawful test of the person's breath, urine, or blood is a misdemeanor, to conform to changes made by the act; limiting information to be made available to a person tested to determine the amount of alcohol in the person's blood or breath or the presence of chemical substances or controlled substances; amending s. 327.359, F.S.; removing prior suspension as a condition for the commission of a misdemeanor by refusal to submit to a lawful test of breath, urine, or blood; providing penalties for refusal to submit to testing; providing an effective date.

—was read the second time by title.

Representative Porth offered the following:

(Amendment Bar Code: 473821)

Amendment 1—Remove lines 309-571 and insert:

required inspection of such instrument.

Full information does not include manuals, schematics, or software of the instrument used to test the person or any other material that is not in the actual possession of the state. Additionally, full information does not include information in the possession of the manufacturer of the test instrument.

5. A hospital, clinical laboratory, medical clinic, or similar medical institution or physician, certified paramedic, registered nurse, licensed practical nurse, other personnel authorized by a hospital to draw blood, or duly licensed clinical laboratory director, supervisor, technologist, or technician, or other person assisting a law enforcement officer does not incur any civil or criminal liability as a result of the withdrawal or analysis of a blood or urine specimen, or the chemical or physical test of a person's breath pursuant to accepted medical standards when requested by a law enforcement officer, regardless of whether or not the subject resisted administration of the test.

Section 2. Section 316.1939, Florida Statutes, is amended to read:

316.1939 Refusal to submit to testing; penalties.--

(1) Any person who has refused to submit to a chemical or physical test of his or her breath, blood, or urine, as described in s. 316.1932, ~~and whose driving privilege was previously suspended for a prior refusal to submit to a lawful test of his or her breath, urine, or blood,~~ and:

(a) Who the arresting law enforcement officer had probable cause to believe was driving or in actual physical control of a motor vehicle in this state while under the influence of alcoholic beverages, chemical substances, or controlled substances;

(b) Who was placed under lawful arrest for a violation of s. 316.193 unless such test was requested pursuant to s. 316.1932(1)(c);

(c) Who was informed that, if he or she refused to submit to such test, his or her privilege to operate a motor vehicle would be suspended for a period of 1 year or, in the case of a second or subsequent refusal, for a period of 18 months;

(d) Who was informed that a refusal to submit to a lawful test of his or her breath, urine, or blood~~, if his or her driving privilege has been previously suspended for a prior refusal to submit to a lawful test of his or her breath, urine, or blood,~~ is a misdemeanor; and

(e) Who, after having been so informed, refused to submit to any such test when requested to do so by a law enforcement officer or correctional officer,

commits the offense of refusal to submit to testing. If such person's driving privilege was previously suspended for a prior refusal to submit to a lawful test of his or her breath, urine, or blood, such offense is a misdemeanor of the first degree, punishable ~~and is subject to punishment~~ as provided in s. 775.082 or s. 775.083. If such person's driving privilege was not previously suspended for a prior refusal to submit to a lawful test of his or her breath, urine, or blood, such offense shall be punished by imprisonment for not more than 6 months and by a fine of up to $500.

(2) The disposition of any administrative proceeding that relates to the suspension of a person's driving privilege does not affect a criminal action under this section.

(3) The disposition of a criminal action under this section does not affect any administrative proceeding that relates to the suspension of a person's driving privilege. The department's records showing that a person's license has been previously suspended for a prior refusal to submit to a lawful test of his or her breath, urine, or blood shall be admissible and shall create a rebuttable presumption of such suspension.

Section 3. Paragraphs (a), (c), and (e) of subsection (1) of section 327.352, Florida Statutes, are amended to read:

327.352 Tests for alcohol, chemical substances, or controlled substances; implied consent; refusal.--

(1)(a)1. The Legislature declares that the operation of a vessel is a privilege that must be exercised in a reasonable manner. In order to protect the public health and safety, it is essential that a lawful and effective means of reducing the incidence of boating while impaired or intoxicated be established. Therefore, any person who accepts the privilege extended by the laws of this state of operating a vessel within this state is, by so operating such vessel, deemed to have given his or her consent to submit to an approved

chemical test or physical test including, but not limited to, an infrared light test of his or her breath for the purpose of determining the alcoholic content of his or her blood or breath if the person is lawfully arrested for any offense allegedly committed while the person was operating a vessel while under the influence of alcoholic beverages. The chemical or physical breath test must be incidental to a lawful arrest and administered at the request of a law enforcement officer who has reasonable cause to believe such person was operating the vessel within this state while under the influence of alcoholic beverages. The administration of a breath test does not preclude the administration of another type of test. The person shall be told that his or her failure to submit to any lawful test of his or her breath will result in a civil penalty of $500~~,~~ and shall also be told that if he or she refuses to submit to a lawful test of his or her breath ~~and he or she has been previously fined for refusal to submit to any lawful test of his or her breath, urine, or blood~~, he or she commits a misdemeanor in addition to any other penalties. The refusal to submit to a chemical or physical breath test upon the request of a law enforcement officer as provided in this section is admissible into evidence in any criminal proceeding.

2. Any person who accepts the privilege extended by the laws of this state of operating a vessel within this state is, by so operating such vessel, deemed to have given his or her consent to submit to a urine test for the purpose of detecting the presence of chemical substances as set forth in s. 877.111 or controlled substances if the person is lawfully arrested for any offense allegedly committed while the person was operating a vessel while under the influence of chemical substances or controlled substances. The urine test must be incidental to a lawful arrest and administered at a detention facility or any other facility, mobile or otherwise, which is equipped to administer such tests at the request of a law enforcement officer who has reasonable cause to believe such person was operating a vessel within this state while under the influence of chemical substances or controlled substances. The urine test shall be administered at a detention facility or any other facility, mobile or otherwise, which is equipped to administer such test in a reasonable manner that will ensure the accuracy of the specimen and maintain the privacy of the individual involved. The administration of a urine test does not preclude the administration of another type of test. The person shall be told that his or her failure to submit to any lawful test of his or her urine will result in a civil penalty of $500~~,~~ and shall also be told that if he or she refuses to submit to a lawful test of his or her urine ~~and he or she has been previously fined for refusal to submit to any lawful test of his or her breath, urine, or blood~~, he or she commits a misdemeanor in addition to any other penalties. The refusal to submit to a urine test upon the request of a law enforcement officer as provided in this section is admissible into evidence in any criminal proceeding.

(c) Any person who accepts the privilege extended by the laws of this state of operating a vessel within this state is, by operating such vessel, deemed to have given his or her consent to submit to an approved blood test for the purpose of determining the alcoholic content of the blood or a blood test for the purpose of determining the presence of chemical substances or controlled substances as provided in this section if there is reasonable cause to believe the person was operating a vessel while under the influence of alcoholic beverages or chemical or controlled substances and the person appears for treatment at a hospital, clinic, or other medical facility and the administration of a breath or urine test is impractical or impossible. As used in this paragraph, the term "other medical facility" includes an ambulance or other medical emergency vehicle. The blood test shall be performed in a reasonable manner. Any person who is incapable of refusal by reason of unconsciousness or other mental or physical condition is deemed not to have withdrawn his or her consent to such test. Any person who is capable of refusal shall be told that his or her failure to submit to such a blood test will result in a civil penalty of $500 and that a refusal to submit to a lawful test of his or her blood~~, if he or she has previously been fined for refusal to submit to any lawful test of his or her breath, urine, or blood,~~ is a misdemeanor. The refusal to submit to a blood test upon the request of a law enforcement officer shall be admissible in evidence in any criminal proceeding.

(e)1. The tests determining the weight of alcohol in the defendant's blood or breath shall be administered at the request of a law enforcement officer substantially in accordance with rules of the Department of Law Enforcement. However, the failure of a law enforcement officer to request the withdrawal of blood does not affect the admissibility of a test of blood withdrawn for medical purposes.

2. Only a physician, certified paramedic, registered nurse, licensed practical nurse, other personnel authorized by a hospital to draw blood, or duly licensed clinical laboratory director, supervisor, technologist, or technician, acting at the request of a law enforcement officer, may withdraw blood for the purpose of determining its alcoholic content or the presence of chemical substances or controlled substances therein. However, the failure of a law enforcement officer to request the withdrawal of blood does not affect the admissibility of a test of blood withdrawn for medical purposes.

3. The person tested may, at his or her own expense, have a physician, registered nurse, other personnel authorized by a hospital to draw blood, or duly licensed clinical laboratory director, supervisor, technologist, or technician, or other person of his or her own choosing administer an independent test in addition to the test administered at the direction of the law enforcement officer for the purpose of determining the amount of alcohol in the person's blood or breath or the presence of chemical substances or controlled substances at the time alleged, as shown by chemical analysis of his or her blood or urine, or by chemical or physical test of his or her breath. The failure or inability to obtain an independent test by a person does not preclude the admissibility in evidence of the test taken at the direction of the law enforcement officer. The law enforcement officer shall not interfere with the person's opportunity to obtain the independent test and shall provide the person with timely telephone access to secure the test, but the burden is on the person to arrange and secure the test at the person's own expense.

4. Upon the request of the person tested, full information concerning the results of the test taken at the direction of the law enforcement officer shall be made available to the person or his or her attorney. Full information is limited to the following:

a. The type of test administered and the procedures followed.

b. The time of the collection of the blood or breath sample analyzed.

c. The numerical results of the test indicating the alcohol content of the blood and breath.

d. The type and status of any permit issued by the Department of Law Enforcement which was held by the person who performed the test.

e. If the test was administered by means of a breath testing instrument, the date of performance of the most recent required inspection of such instrument.

Full information does not include manuals, schematics, or software of the instrument used to test the person or any other material that is not in the actual possession of the state. Additionally, full information does not include information in the possession of the manufacturer of the test instrument.

5. A hospital, clinical laboratory, medical clinic, or similar medical institution or physician, certified paramedic, registered nurse, licensed practical nurse, other personnel authorized by a hospital to draw blood, or duly licensed clinical laboratory director, supervisor, technologist, or technician, or other person assisting a law enforcement officer does not incur any civil or criminal liability as a result of the withdrawal or analysis of a blood or urine specimen, or the chemical or physical test of a person's breath pursuant to accepted medical standards when requested by a law enforcement officer, regardless of whether or not the subject resisted administration of the test.

Section 4. Section 327.359, Florida Statutes, is amended to read:

327.359 Refusal to submit to testing; penalties.--Any person who has refused to submit to a chemical or physical test of his or her breath, blood, or urine, as described in s. 327.352, ~~and who has been previously fined for refusal to submit to a lawful test of his or her breath, urine, or blood,~~ and:

(1) Who the arresting law enforcement officer had probable cause to believe was operating or in actual physical control of a vessel in this state while under the influence of alcoholic beverages, chemical substances, or controlled substances;

(2) Who was placed under lawful arrest for a violation of s. 327.35 unless such test was requested pursuant to s. 327.352(1)(c);

(3) Who was informed that if he or she refused to submit to such test he or she is subject to a fine of $500;

(4) Who was informed that a refusal to submit to a lawful test of his or her breath, urine, or blood~~, if he or she has been previously fined for refusal to~~

~~submit to a lawful test of his or her breath, urine, or blood,~~ is a misdemeanor; and

(5) Who, after having been so informed, refused to submit to any such test when requested to do so by a law enforcement officer or correctional officer,

commits the offense of refusal to submit to testing. If such person has previously been fined for a prior refusal to submit to a lawful test of his or her breath, urine, or blood, such offense is a misdemeanor of the first degree, punishable ~~and is subject to punishment~~ as provided in s. 775.082 or s. 775.083. If such person has not previously been fined for a prior refusal to submit to a lawful test of his or her breath, urine, or blood, such offense shall be punished by imprisonment for not more than 6 months and by a fine of up to $500.

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

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

HB 265—A bill to be entitled An act relating to hunting lands; creating s. 372.0025, F.S.; providing definitions; requiring certain lands owned, managed, or leased by the Fish and Wildlife Conservation Commission to be used for the purpose of hunting; requiring the commission to support, promote, and enhance hunting opportunities; requiring the commission to provide comparable acreage for any loss of existing hunting lands; requiring agencies and water management districts to allow certain lands to be used for the purpose of hunting; requiring annual reports to the commission and Legislature; providing an effective date.

The State Resources Council recommended the following:

HB 265 CS—A bill to be entitled An act relating to hunting lands; creating s. 372.0025, F.S.; providing definitions; requiring certain lands owned, managed, or leased by the Fish and Wildlife Conservation Commission to be used for the purpose of hunting; requiring the commission to support, promote, and enhance hunting opportunities; requiring the commission to provide comparable acreage for any loss of existing hunting lands; providing requirements for location and use of replacement lands; requiring state agencies and water management districts to allow certain lands to be used for the purpose of hunting; requiring annual reports to the commission and Legislature; providing an effective date.

—was read the second time by title.

On motion by Rep. Brown, by the required two-thirds vote, the House agreed to consider the following late-filed amendment.

Representative Brown offered the following:

(Amendment Bar Code: 595205)

Amendment 1 (with title amendment)—Remove line 67 and insert:
hunting acreage. However, lands officially designated as units within the state park system may not be considered for replacement hunting lands and may only be opened for hunting when necessary as a wildlife control or management tool as determined by the Division of Recreation and Parks in the Department of Environmental Protection.

======== T I T L E A M E N D M E N T ========
Remove line 16 and insert:
the purpose of hunting; providing an exemption for lands within the state park system; authorizing the Department of Environmental Protection to make certain determinations relating to such lands; requiring annual reports to the

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

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

HJR 7143—A joint resolution proposing an amendment to Section 12 of Article X of the State Constitution; revising rules of construction to be used when interpreting the extent of political power vested in the legislative branch to provide that the expression of one thing does not imply the exclusion of another, unless the limitation is absolutely necessary to carry out the purpose of the constitutional provision and without regard to the comprehensiveness of the constitutional provision.

The Justice Council recommended the following:

HJR 7143 CS—A joint resolution proposing an amendment to Section 12 of Article X of the State Constitution; revising rules of construction to be used when interpreting the extent of political power vested in the legislative branch to provide that the expression of one thing does not imply the exclusion of another, unless the limitation is necessary to carry out the purpose of the constitutional provision, and to provide that a limitation shall not be implied based on the comprehensiveness of the constitutional provision.

—was read the second time by title.

Representative Simmons offered the following:

(Amendment Bar Code: 835245)

Amendment 1 (with ballot statement and title amendment)—Remove lines 49-50 and insert:
exclusion of another, unless absolutely necessary to carry out the purpose of the constitutional provision.

======== T I T L E A M E N D M E N T ========
Remove lines 11-12 and insert:
the exclusion of another, unless absolutely necessary to carry out the purpose of the constitutional

== B A L L O T S T A T E M E N T A M E N D M E N T ==
Remove lines 62-63 and insert:
imply the exclusion of another, unless absolutely necessary to carry out the purpose of the constitutional

THE SPEAKER IN THE CHAIR

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

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

On motion by Rep. Fields, consideration of **HB 1211** was temporarily postponed.

REPRESENTATIVE BILIRAKIS IN THE CHAIR

HB 667—A bill to be entitled An act relating to credit counseling services; amending s. 817.801, F.S.; revising and providing definitions; amending s. 817.802, F.S., relating to unlawful fees and costs; limiting application to certain debtors; amending s. 817.804, F.S.; revising annual audit requirements; amending s. 817.805, F.S.; including creditor contributions within an authorized deduction from requirements for disbursement of funds; providing an effective date.

The Commerce Council recommended the following:

HB 667 CS—A bill to be entitled An act relating to credit counseling services; amending s. 817.801, F.S.; revising and providing definitions; amending s. 817.802, F.S., relating to unlawful fees and costs; limiting application to certain debtors; amending s. 817.804, F.S.; revising annual audit requirements; amending s. 817.805, F.S.; including creditor contributions within an authorized deduction from requirements for disbursement of funds; providing a limitation on creditor contributions; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

HB 1029—A bill to be entitled An act relating to the carrying of firearms in national forests; repealing s. 790.11, F.S., which prohibits the carrying of firearms in national forests; repealing s. 790.12, F.S., which authorizes the granting of a special permit for the carrying of firearms in a national forest; repealing s. 790.14, F.S., which provides a penalty for violation of ss. 790.11 and 790.12, F.S.; amending s. 790.25, F.S.; correcting cross-references; directing the Department of Environmental Protection to amend the correlative rule in the Florida Administrative Code, to conform; providing an effective date.

The Environmental Regulation Committee recommended the following:

HB 1029 CS—A bill to be entitled An act relating to the carrying of firearms in national forests; repealing s. 790.11, F.S., which prohibits the carrying of firearms in national forests; repealing s. 790.12, F.S., which authorizes the granting of a special permit for the carrying of firearms in a national forest; repealing s. 790.14, F.S., which provides a penalty for violation of ss. 790.11 and 790.12, F.S.; amending s. 790.25, F.S.; correcting cross-references; requiring the Department of Environmental Protection to amend the correlative rule in the Florida Administrative Code to allow the possession of weapons in compliance with all Florida Statutes; providing requirements with respect to amendment of the rule; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

THE SPEAKER IN THE CHAIR

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

Motions Relating to Council and Committee References

On motion by Rep. Goodlette, by the required two-thirds vote, HB 591 was withdrawn from the Judiciary Committee and remains referred to the Justice Council; HB 459 was withdrawn from the Governmental Operations Committee and remains referred to the Health & Families Council; and HB 199 was withdrawn from the Judiciary Appropriations Committee and remains referred to the Justice Council.

REPRESENTATIVE BILIRAKIS IN THE CHAIR

Special Orders

HB 1077—A bill to be entitled An act relating to motor vehicle dealership operations; amending s. 320.60, F.S.; revising the definition of "demonstrator" for purposes of provisions relating to manufacturing, importing, and distributing motor vehicles; amending s. 320.64, F.S.; prohibiting an applicant or licensee from failing to pay certain compensation amounts to a motor vehicle dealer after termination of the franchise agreement; providing exceptions; providing for certain remedies, procedures, and rights of recovery; amending s. 320.642, F.S.; revising conditions under which an opening or reopening of a motor vehicle dealership is not subject to protest; restricting proposal for a dealer of the same line-make for a certain period of time after the opening of a relocated dealership; providing criteria for measurements of distance between dealer locations; amending s. 320.643, F.S.; exempting a transferee proposing to relocate motor vehicle dealership operations in conjunction with an asset or equity purchase from franchise agreement location requirements; providing conditions for the exemption; providing an effective date.

The Transportation Committee recommended the following:

HB 1077 CS—A bill to be entitled An act relating to motor vehicle dealers; amending s. 320.27, F.S.; exempting certain applicants for a new franchised motor vehicle dealer license from certain training requirements; amending s. 320.60, F.S.; revising the definition of "demonstrator" for purposes of provisions relating to manufacturing, importing, and distributing motor vehicles; amending s. 320.64, F.S.; prohibiting specified licensees from failing to pay certain compensation amounts to a motor vehicle dealer after termination of the dealer's franchise agreement; providing exceptions; providing procedures for payment of the compensation amounts; providing for certain remedies, procedures, and rights of recovery; amending s. 320.642, F.S.; deleting a requirement that certain notices be sent by certified mail; revising conditions under which an opening or reopening of the same or a successor dealer within 12 months is not considered an additional dealer subject to protest; prohibiting for a certain time proposals for a dealer of the same line-make after the opening or reopening of the dealer; providing criteria for measurements of distance between dealer locations; providing that the Department of Highway Safety and Motor Vehicles is not obligated to determine the accuracy of any distance submitted in a notice; providing for resolution of disputed distances by a hearing in accordance with specified provisions; providing an effective date.

—was read the second time by title.

Representative(s) Russell offered the following:

(Amendment Bar Code: 076201)

Amendment 1 (with directory and title amendments)—Remove line(s) 56-108 and insert:

that the dealer ~~principal~~ (owner, partner, officer ~~of the corporation~~, or director of the licensee, or a full-time employee of the licensee who holds a responsible management-level position) has completed 8 hours of continuing education prior to filing the renewal forms with the department. Such certification shall be filed once every 2 years commencing with the 2006 renewal period. The continuing education shall include at least 2 hours of legal or legislative issues, 1 hour of department issues, and 5 hours of relevant motor vehicle industry topics. Continuing education shall be provided by dealer schools licensed under paragraph (b) either in a classroom setting or by correspondence. Such schools shall provide certificates of completion to the department and the customer which shall be filed with the license renewal form, and such schools may charge a fee for providing continuing education. Any licensee who does not file his or her application and fees and any other requisite documents, as required by law, with the department at least 30 days prior to the license expiration date shall cease to engage in business as a motor vehicle dealer on the license expiration date. A renewal filed with the department within 45 days after the expiration date shall be accompanied by a delinquent fee of $100. Thereafter, a new application is required, accompanied by the initial license fee. A license certificate duly issued by the department may be modified by endorsement to show a change in the name of the licensee, provided, as shown by affidavit of the licensee, the majority ownership interest of the licensee has not changed or the name of the person appearing as franchisee on the sales and service agreement has not changed. Modification of a license certificate to show any name change as herein provided shall not require initial licensure or reissuance of dealer tags; however, any dealer obtaining a name change shall transact all business in and be properly identified by that name. All documents relative to licensure shall reflect the new name. In the case of a franchise dealer, the name change shall be approved by the manufacturer, distributor, or importer. A licensee applying for a name change endorsement shall pay a fee of $25 which fee shall apply to the change in the name of a main location and all additional locations licensed under the provisions of subsection (5). Each initial license application received by the department shall be accompanied by verification that, within the preceding 6 months, the applicant, or one or more of his or her designated employees, has attended a training and information seminar conducted by a licensed motor vehicle dealer training school. Any applicant for a new franchised motor vehicle dealer license who has held a valid franchised motor vehicle dealer license continuously for the past 2 years and who remains in good standing with the department is exempt from the prelicensing training requirement. Such seminar shall include, but is not limited to, statutory dealer requirements, which requirements include

required bookkeeping and recordkeeping procedures, requirements for the collection of sales and use taxes, and such other information that in the opinion of the department will promote good business practices. No seminar may exceed 8 hours in length.

(b) Each initial license application received by the department for licensure under subparagraph (1)(c)2. must be accompanied by verification that, within the preceding 6 months, the applicant (owner, partner, officer ~~of the corporation~~, or director of the applicant, or a full-time employee of the applicant who holds a responsible management-level position) has successfully completed training conducted by a licensed motor vehicle dealer training school. Such training must include training in titling and registration of motor vehicles, laws relating to unfair and deceptive trade practices, laws relating to financing with regard to buy-here, pay-here operations, and such other information that in the opinion of the department will promote good business practices. Successful completion of this training shall be determined by examination administered at the end of the course and attendance of no less than 90 percent of the total hours required by such school. Any applicant who had held a valid motor vehicle dealer's license within the past 2 years and who remains in good standing with the department is exempt from the requirements of this paragraph. ~~In the case of nonresident applicants, the requirement to attend such training shall be placed on any employee of the licensee who holds a responsible management-level position and who is employed full-time at the motor vehicle dealership.~~ The department shall have the authority to adopt any rule necessary for establishing the training curriculum; length of training, which shall not exceed 8 hours for required department topics and shall not exceed an additional 24 hours for topics related to other regulatory agencies' instructor qualifications; and any other requirements under this section. The curriculum for other subjects shall be approved by any and all other regulatory agencies having jurisdiction over specific subject matters; however, the overall administration of the licensing of these dealer schools and their instructors shall remain with the department. Such schools are authorized to charge a fee. This privatized method for training applicants for dealer licensing pursuant to subparagraph (1)(c)2. is a pilot program that shall be evaluated by the department after it has been in operation for a period of 2 years.

==== D I R E C T O R Y A M E N D M E N T ====

Remove line(s) 35-36 and insert:

Section 1. Subsection (4) of section 320.27, Florida Statutes, is amended to read:

======== T I T L E A M E N D M E N T ========

Remove line 7 and insert:

320.27, F.S.; revising education requirements for licensure to provide for a full-time, management-level employee of the applicant or licensee; exempting certain applicants for a new

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

Representative Russell offered the following:

(Amendment Bar Code: 879755)

Amendment 2—Remove lines 139-142 and insert:

1. The net cost paid by the dealer for each new car or truck in the dealer's inventory with mileage of 2,000 miles or less, or a motorcycle with mileage of 100 miles or less, exclusive of mileage placed on the vehicle before it was delivered to the dealer.

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

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

HB 37—A bill to be entitled An act relating to security of consumer credit report information; creating s. 501.005, F.S.; authorizing a consumer to place a security freeze on his or her credit report; defining "consumer credit report security freeze"; providing procedures and requirements with respect to the placement, temporary suspension, and removal of a security freeze on a consumer credit report; authorizing a consumer to allow specified temporary access to his or her credit report during a security freeze; providing procedures with respect to such temporary access; providing for removal of a security freeze when a consumer's credit report was frozen due to a material misrepresentation of fact by the consumer; providing applicability; authorizing consumer credit reporting agencies to charge a fee to initiate, remove, or temporarily lift a security freeze; disallowing such fee for victims of identity theft; restricting the change of specified information in a consumer credit report when a security freeze is in effect; specifying applicability with respect to certain consumer credit reporting agencies; specifying entities that are exempt from placing a security freeze on a consumer credit report; providing for civil remedy; providing requirements with respect to written disclosure by a consumer credit reporting agency of procedures and consumer rights associated with a security freeze; providing an effective date.

The Commerce Council recommended the following:

HB 37 CS—A bill to be entitled An act relating to security of consumer report information; creating s. 501.005, F.S.; defining "security freeze"; authorizing a consumer to place a security freeze on his or her consumer report; providing procedures and requirements with respect to the placement, temporary suspension, and removal of a security freeze on a consumer report; authorizing a consumer to allow specified temporary access to his or her consumer report during a security freeze; providing procedures with respect to such temporary access; providing for removal of a security freeze when a consumer report was frozen due to a material misrepresentation of fact by the consumer; providing applicability; prohibiting a consumer reporting agency from charging a fee to a victim of identity theft who requests a security freeze on a consumer report; authorizing consumer reporting agencies to charge a fee to place, remove, or temporarily lift a security freeze and to reissue a personal identification number; restricting the change of specified information in a consumer report when a security freeze is in effect; specifying applicability with respect to certain consumer reporting agencies; specifying entities that are exempt from placing a security freeze on a consumer report; providing for civil remedy; providing requirements with respect to written disclosure by a consumer reporting agency of procedures and consumer rights associated with a security freeze; providing an effective date.

—was read the second time by title.

Representative(s) Adams offered the following:

(Amendment Bar Code: 856721)

Amendment 1 (with title amendment)—Remove lines 44 through 257 and insert:

information contained within the consumer report to a third party without the express authorization of the consumer. This section does not prevent a consumer reporting agency from advising a third party that a security freeze is in effect with respect to the consumer report. For purposes of this part, the term "consumer report" has the same meaning set forth in 15 U.S.C. s. 1681a(d).

(2) A consumer may place a security freeze on his or her consumer report by:

(a) Making a request in writing by certified mail to a consumer reporting agency.

(b) Including information that properly identifies the consumer.

(c) Paying a fee authorized under this section.

(3) A consumer reporting agency shall place a security freeze on a consumer report no later than 5 business days after receiving a request from the consumer.

(4) The consumer reporting agency shall send a written confirmation of the security freeze to the consumer within 10 business days after instituting the security freeze and shall provide the consumer with a unique personal identification number or password to be used by the consumer when providing authorization for the removal of a security freeze on his or her consumer report pursuant to subsection (5) or subsection (11).

(5) A consumer may allow his or her consumer report to be accessed for a designated period of time while a security freeze is in effect by contacting the consumer reporting agency and requesting that the freeze be temporarily lifted. The consumer must provide the following information to the consumer reporting agency as part of the request:

(a) Proper identification as determined by the consumer reporting agency.

(b) The unique personal identification number or password provided by the consumer reporting agency pursuant to subsection (4).

(c) Information specifying the period of time for which the report shall be made available.

(d) Payment of a fee authorized by this section.

(6) A consumer reporting agency that receives a request from a consumer to temporarily lift a freeze on a consumer report pursuant to subsection (5) shall comply with the request no later than 3 business days after receiving the request.

(7) No later than July 1, 2007, a consumer reporting agency doing business in this state shall select and develop a secure electronic contact method, which may include the use of telephone, fax, the Internet, or other secure electronic means, by which to receive and process requests from consumers to temporarily lift a freeze on a consumer report pursuant to subsection (5).

(8) A consumer reporting agency shall temporarily lift or remove a security freeze placed on a consumer report only in the following instances:

(a) Upon consumer request, pursuant to subsection (5) or subsection (11).

(b) If the consumer report was frozen due to a material misrepresentation of fact by the consumer. If a consumer reporting agency intends to remove a security freeze on a consumer report pursuant to this paragraph, the consumer reporting agency shall notify the consumer in writing prior to removing the security freeze.

(9) A third party requesting access to a consumer report on which a security freeze is in effect in connection with an application for credit or other permissible use may treat the application as incomplete if the consumer has not authorized a temporary lifting of the security freeze for the period of time during which the request is made.

(10) If a consumer requests a security freeze, the consumer reporting agency shall disclose to the consumer all information relevant to the process of instituting, temporarily lifting, and removing a security freeze and shall include the disclosure required by subsection (17).

(11) A security freeze shall remain in place until the consumer requests that it be removed. A consumer reporting agency shall remove a security freeze within 3 business days after receiving a request for removal from the consumer, who, upon making the request for removal, must provide the following:

(a) Proper identification as determined by the consumer reporting agency.

(b) The unique personal identification number or password provided by the consumer reporting agency pursuant to subsection (4).

(c) Payment of a fee authorized by this section.

(12) The provisions of this section do not apply to the use of a consumer report by the following persons or for the following reasons:

(a) A person to whom the consumer owes a financial obligation or a subsidiary, affiliate, or agent of the person, or an assignee of a financial obligation owed by the consumer to the person, or a prospective assignee of a financial obligation owed by the consumer to the person in conjunction with the proposed purchase of the financial obligation, with which the consumer has or had prior to assignment an account or contract, including a deposit account, or to whom the consumer issued a negotiable instrument, for the purposes of reviewing the account or collecting the financial obligation owed for the account, contract, or negotiable instrument. For purposes of this paragraph, "reviewing the account" includes activities related to account maintenance, monitoring, credit line increases, and account upgrades and enhancements.

(b) A subsidiary, affiliate, agent, assignee, or prospective assignee of a person to whom access has been granted under this section for purposes of facilitating the extension of credit or other permissible use.

(c) A state agency acting within its lawful investigative or regulatory authority.

(d) A state or local law enforcement agency acting to investigate a crime or conducting a criminal background check.

(e) Any person administering a credit file monitoring subscription service to which the consumer has subscribed.

(f) Any person for the purpose of providing a consumer with a copy of the consumer report upon the consumer's request.

(g) Pursuant to a court order lawfully entered.

(h) The use of credit information for the purposes of prescreening as provided for by the federal Fair Credit Reporting Act.

(i) Any insurance company for use in setting or adjusting a rate, adjusting a claim, or underwriting for insurance purposes.

(j) A consumer reporting agency's database or file which consists entirely of information concerning, and is used solely for, one or more of the following:

1. Criminal record information.

2. Personal loss history information.

3. Fraud prevention or detection.

4. Tenant screening.

5. Employment screening.

(13)(a) A consumer reporting agency may charge a reasonable fee, not to exceed $10, to a consumer who elects to place, remove, or temporarily lift a security freeze on his or her consumer report.

(b) A consumer reporting agency shall not charge any fee:

1. To a consumer 65 years of age or older for the initial placement or removal of a security freeze; or

2. To a victim of identity theft who has submitted, at the time the security freeze is requested, a copy of a valid investigative or incident report or complaint with a law enforcement agency about the unlawful use of the victim's identifying information by another person.

(c) A consumer reporting agency may charge a reasonable fee, not to exceed $10, if the consumer fails to retain the original personal identification number or password provided by the consumer reporting agency and the agency must reissue the personal identification number or password or provide a new personal identification number or password to the consumer.

(14) If a security freeze is in effect, a consumer reporting agency shall not change any of the following official information in a consumer report without sending a written confirmation of the change to the consumer within 30 days after the change is posted to the consumer's file:

(a) Name.

(b) Address.

(c) Date of birth.

(d) Social security number.

Written confirmation is not required for technical corrections of a consumer's official information, including name and street abbreviations, complete spellings, or transposition of numbers or letters. In the case of an address change, the written confirmation shall be sent to both the new address and the former address.

(15) The provisions of this section do not apply to the following entities:

(a) A check services company, which issues authorizations for the purpose of approving or processing negotiable instruments, electronic funds transfers, or similar methods of payment.

(b) A deposit account information service company, which issues reports regarding account closures due to fraud, substantial overdrafts, automatic teller machine abuse, or similar negative information regarding a consumer to inquiring banks or other financial institutions for use only in reviewing a consumer request for a deposit account at the inquiring bank or financial institution, as defined in s. 655.005(1)(g) or (h), or in federal law.

(c) A consumer reporting agency that acts only as a reseller of credit information by assembling and merging information contained in the database of another consumer reporting agency or multiple consumer reporting agencies and does not maintain a permanent database of credit information from which new consumer reports are produced. However, a consumer reporting agency shall honor any security freeze placed, removed, or temporary lifted on a consumer report by another consumer reporting agency.

(d) A fraud prevention services company issuing reports to prevent or investigate fraud.

(16) In addition to any other penalties or remedies provided under law, a person who is aggrieved by a violation of the provisions of this section may bring a civil action as authorized by this subsection.

(a) Any person who willfully fails to comply with any requirement imposed under this section with respect to any consumer is liable to that consumer for actual damages sustained by the consumer as a result of the failure of not less than $100 and not more than $1,000, plus the cost of the action together with reasonable attorney's fees.

(b) Any individual who obtains a consumer report under false pretenses or knowingly without a permissible purpose is liable to the consumer for actual damages sustained by the consumer as a result of the failure or damages of not less than $100 and not more than $1,000, whichever is greater. Any person who obtains a consumer report from a consumer reporting agency under false pretenses or knowingly without a permissible purpose is liable to the consumer reporting agency for actual damages sustained by the consumer reporting agency or $1,000, whichever is greater.

(c) Punitive damages may be assessed for willful violations of this section.

(d) Any person who is negligent in failing to comply with any requirement imposed under this section with respect to any consumer is liable to that consumer for any actual damages sustained by the consumer as a result of the failure of not less than $100 and not more than $1,000.

(e) Upon a finding by the court that an unsuccessful pleading, motion, or other paper filed in connection with an action under this subsection was filed in bad faith or for purposes of harassment, the court shall award to the prevailing party attorney's fees that are reasonable in relation to the work performed in responding to the pleading, motion, or other paper.

(17) Any written disclosure by a consumer reporting agency, pursuant to 15 U.S.C. s. 1681g, to any consumer residing in this state shall include a written summary of all rights the consumer has under this section, and, in the case of a consumer reporting agency which compiles and maintains consumer reports on a nationwide basis, a toll-free telephone number which the consumer can use to communicate with the consumer reporting agency. The information set forth in paragraph (b) of the written summary of rights must be in at least 12-point boldface type. The written summary of rights required under this section is sufficient if it is substantially in the following form:

======== T I T L E A M E N D M E N T ========

Remove lines 19 through 24 and insert:

applicability; authorizing a consumer reporting agency to charge a fee to place, remove, or temporarily lift a security freeze; prohibiting a consumer reporting agency from charging a fee to specified persons; authorizing the charging of a fee for the reissuance of a personal identification number; restricting

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

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

On motion by Rep. Cretul, consideration of **HB 581** was temporarily postponed.

HB 127—A bill to be entitled An act relating to immunizations; amending s. 400.426, F.S.; requiring certain assisted living facilities to implement a program to offer residents immunizations against influenza viruses and pneumococcal bacteria; requiring the Department of Health to provide notification annually; amending s. 1003.22, F.S.; requiring each district school board and the governing authority of each private school to provide information to parents concerning meningococcal disease and the vaccine therefor; requiring the Department of Health to adopt rules specifying the age or grade level of students for whom such information will be provided; requiring each district school board and the governing authority of each private school to determine the means and method for the provision of information to parents concerning meningococcal disease; providing an effective date.

The Health & Families Council recommended the following:

HB 127 CS—A bill to be entitled An act relating to immunizations; amending s. 1002.23, F.S.; requiring the Department of Education to include parental information regarding school entry requirements and recommended immunization schedules in the guidelines for a parent guide; requiring departmental guidelines regarding student health and other resources; specifying that each school district develop and disseminate a parent guide that provides certain health information, including a recommended immunization schedule and information regarding meningococcal disease; amending s. 1002.42, F.S.; requiring the governing authority of each private school to provide certain health information, including a recommended immunization schedule and information regarding meningococcal disease; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

HB 7091—A bill to be entitled An act relating to real property electronic recording; creating s. 695.27, F.S.; providing a short title; providing definitions; providing for the validity of electronic documents relating to real property; providing for the recording of electronic documents by the county recorder; granting the Department of State rulemaking authority; creating the Electronic Recording Advisory Council; providing for membership and meetings of the council; providing that council members shall serve without compensation and may not claim per diem and travel expenses from the Secretary of State; providing guidelines for the department, in consultation with the council, to consider in adopting, amending, and repealing standards; providing for uniformity of application and construction; specifying the relation to a federal act; providing an effective date.

The Justice Council recommended the following:

HB 7091 CS—A bill to be entitled An act relating to real property electronic recording; creating s. 695.27, F.S.; providing a short title; providing definitions; providing for the validity of electronic documents relating to real property; providing for the recording of electronic documents by the county recorder; granting the Department of State rulemaking authority; creating the Electronic Recording Council; requiring the department to make specific written findings if any of the council's recommendations are rejected; providing for membership and meetings of the council; providing that council members shall serve without compensation and may not claim per diem and travel expenses from the Secretary of State; providing guidelines for the department, in consultation with the council, to consider in adopting, amending, and repealing standards; providing for uniformity of application and construction; specifying the relation to a federal act; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

HB 789—A bill to be entitled An act relating to damage prevention and safety of underground facilities; amending s. 556.101, F.S.; providing legislative intent that Sunshine State One-Call of Florida, Inc., is not required or permitted to locate or mark underground facilities; amending s. 556.102, F.S.; redefining the term "member operator" to remove an exception for a small municipality that elects not to participate in the notification system; amending ss. 556.103 and 556.104, F.S.; deleting provisions exempting a small city from membership in the Sunshine State One-Call of Florida, Inc.; amending s. 556.105, F.S.; requiring that specified information be placed in the excavation notification system; providing an exception for underwater excavations; providing that the information is valid for 30 calendar days; requiring that a notification number assigned to an excavator be provided to a law enforcement officer, government code inspector, or code enforcement officer upon request; requiring that a member operator respond to the system within a specified time indicating the status of its facility protection operations; requiring the corporation to establish a communication system between member operators and excavators; requiring an excavator to verify the system's positive responses before beginning excavation; requiring operators to use a specified color-code manual; amending s. 556.106, F.S.; providing

that the notification system has no duty to and may not mark or locate underground facilities; providing that a person has no right of recovery against the notification system for failing to mark or locate underground facilities; providing that the system is not liable for the failure of a member operator to comply with the requirements of the act; amending s. 556.107, F.S.; correcting cross-references; providing for the distribution of civil penalties; authorizing the corporation to retain legal counsel to represent the corporation in certain legal proceedings; amending s. 556.108, F.S.; providing that certain excavations are exempt from mandatory location notification if mechanized equipment is not used; providing an effective date.

The Commerce Council recommended the following:

HB 789 CS—A bill to be entitled An act relating to damage prevention and safety for underground facilities; amending s. 556.101, F.S.; providing legislative intent that Sunshine State One-Call of Florida, Inc., is not required or permitted to locate or mark underground facilities; revising purposes of the Underground Facility Damage Prevention and Safety Act; amending s. 556.102, F.S.; correcting a reference; redefining the term "member operator" to remove an exception for a small municipality that elects not to participate in the notification system; amending ss. 556.103 and 556.104, F.S.; deleting provisions exempting a small city from membership in the Sunshine State One-Call of Florida, Inc.; amending s. 556.105, F.S.; requiring that specified information be placed in the excavation notification system; providing an exception for underwater excavations; providing that the information is valid for 30 calendar days; providing for a study of the feasibility of zones where no notification is required; requiring a report to the Legislature; requiring a notification number assigned to an excavator to be provided to a law enforcement officer, government code inspector, or code enforcement officer upon request; requiring that a member operator respond to the system within a specified time indicating the status of its facility protection operations; requiring the corporation to establish a communication system between member operators and excavators; requiring an excavator to verify the system's positive responses before beginning excavation; requiring operators to use a specified color-code manual; amending s. 556.106, F.S.; providing that the notification system has no duty to and may not mark or locate underground facilities; providing that a person has no right of recovery against the notification system for failing to mark or locate underground facilities; providing that the system is not liable for the failure of a member operator to comply with the requirements of the act; amending s. 556.107, F.S.; correcting cross-references; providing for the distribution of civil penalties; revising procedures for disposition of citations; authorizing the corporation to retain legal counsel to represent the corporation in certain legal proceedings; amending s. 556.108, F.S.; revising provisions that exempt excavation or demolition by the owner of residential property from specified notification requirements to exclude certain property that is subdivided or to be subdivided; providing that certain excavations are exempt from mandatory location notification if mechanized equipment is not used; exempting pest control services under certain circumstances; amending s. 556.111, F.S.; providing that specified applicability provisions do not exempt a local governmental member operator from specified provisions that apply to the member operator; amending s. 337.401, F.S.; correcting a cross-reference; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

HCB 6003 (for HBs 515, 589)—A bill to be entitled An act relating to resale of tickets; amending s. 817.36, F.S.; increasing the maximum amount above retail price for which specified tickets may be resold without violating statute; providing an exception to the criminal penalty for resale of tickets authorized by the original seller; providing an exception to the criminal penalty for resale of certain tickets through an Internet website in specified circumstances; providing for sales tax collection on ticket resales; providing an effective date.

The State Resources Council recommended the following:

HCB 6003 (for HBs 515, 589) CS—A bill to be entitled An act relating to resale of tickets; amending s. 559.9335, F.S.; deleting a provision making the sale or marketing of certain admission tickets at a price in excess of $1 above the retail admission price charged by the original seller a violation of the Sellers of Travel Act in certain circumstances; amending s. 817.36, F.S.; increasing the maximum amount above retail price for which specified tickets may be resold without violating statute; providing an exception to the criminal penalty for resale of tickets authorized by the original seller; providing an exception to the criminal penalty for resale of certain tickets through an Internet website in specified circumstances; providing for sales tax collection on ticket resales; providing an effective date.

—was read the second time by title.

On motion by Rep. Stargel, by the required two-thirds vote, the House agreed to consider the following late-filed amendment.

Representatives Stargel and Llorente offered the following:

(Amendment Bar Code: 478349)

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

Section 1. Subsections (9) through (25) of section 559.9335, Florida Statutes, are renumbered as subsections (8) through (24), respectively, and subsection (8) of that section is amended to read:

559.9335 Violations.--It is a violation of this part for any person:

~~(8) Knowingly to sell or market admissions tickets to theme or amusement parks, sporting events, concerts, theater productions, or other entertainment events, in excess of $1 above the retail admission price charged by the original seller of said tickets, unless said tickets are part of a prearranged travel package which includes transportation or accommodations services, are being resold on behalf of the original seller of said tickets, and the seller of travel provides either a Florida seller of travel registration number or an Airlines Reporting Corporation agency code number in each advertisement that is placed in newspapers circulated primarily in Florida. When any original seller of tickets provides a seller of travel with tickets in bulk, the seller of travel shall be deemed to be reselling the tickets on behalf of the original seller.~~

Section 2. Section 817.357, Florida Statutes, is created to read:

817.357 Purchase of tickets.--Whoever knowingly purchases from the original ticket seller a quantity of tickets to an event which exceeds the maximum ticket limit quantity posted by or on behalf of the original ticket seller at the point of original sale or printed on the tickets themselves and intends to resell such tickets violates ss. 501.201-501.213, the Florida Deceptive and Unfair Trade Practices Act. A person or firm is not liable under this section with respect to tickets for which that person or firm is the original ticket seller. For purposes of this section, the term "original ticket seller" means the issuer of such ticket or a person or firm who provides distribution services or ticket sales services under a contract with such issuer.

Section 3. Section 817.36, Florida Statutes, is amended to read:

817.36 Resale of tickets ~~of common carriers, places of amusement, etc.~~--

~~(1)(a)~~ Whoever shall offer for resale ~~sale~~ or resell ~~sell~~ any ticket may only charge $1 above the admission price charged therefor of the original ticket seller of said ticket for the following transactions:

(1) ~~good for~~ Passage or accommodations on any common carrier in this state; however, ~~and request or receive a price in excess of $1 above the retail price charged therefor by the original seller of said ticket shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.~~

~~(b)~~ the provisions of this subsection shall not apply to travel agencies that have an established place of business in this state, which place of business is required to pay state, county, and city occupational license taxes.

(2) Multiday or multievent tickets to a park or entertainment complex or to a concert, entertainment event, permanent exhibition, or recreational activity within such a park or complex, including an entertainment/resort complex as defined in s. 561.01(18).

(3) Any tickets, other than the tickets in subsections (1) and (2), that are resold or offered through an Internet website when such website does not make and post the following guarantees and disclosures through Internet web pages on which are visibly posted text, or links to web pages on which are posted, text to which a prospective purchaser is directed before completion of the resale transaction:

(a) The website operator guarantees a full refund of the amount paid for the ticket including any servicing, handling, or processing fees, if such fees are not disclosed, when:

1. The ticketed event is canceled;

2. The purchaser is denied admission to the ticketed event, unless such denial is due to the action or omission of the purchaser;

3. The ticket is not delivered to the purchaser in the manner requested and pursuant to any delivery guarantees made by the reseller and such failure results in the purchaser's inability to attend the ticketed event.

(b) The website operator discloses that it is not the issuer, original seller, or reseller of the ticket or items and does not control the pricing of the ticket or items, which may be resold for more than their original value.

(4) Nothing in this section authorizes any individual or entity to sell or purchase tickets at any price on property where an event is being held without the prior express written consent of the owner of the property.

(5) Any sales tax due for resales under this section shall be remitted to the Department of Revenue in accordance with s. 212.04.

~~(2)(a) Whoever shall offer for sale or sell any ticket good for admission to any sporting exhibition, athletic contest, theater, or any exhibition where an admission price is charged and request or receive a price in excess of $1 above the retail admission price charged therefor by the original seller of said ticket shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.~~

~~(b) The provisions of this subsection shall apply to travel agencies that have an established place of business in this state, which place of business is required to pay state, county, and city occupational license taxes, unless such agencies are registered sellers of travel pursuant to part XI of chapter 559 and adhere to the restriction of selling said tickets as part of the travel packages specified in that part, and such travel agencies are reselling said tickets on behalf of the original sellers of said tickets. When any original seller of tickets provides a travel agency with tickets in bulk, the travel agent shall be deemed to be reselling the tickets on behalf of the original seller.~~

Section 4. This act shall take effect July 1, 2006.

======== T I T L E A M E N D M E N T ========

Remove the entire title and insert:

A bill to be entitled

An act relating to resale of tickets; amending s. 559.9335, F.S.; deleting a provision making the sale or marketing of certain admission tickets at a price in excess of $1 above the retail admission price charged by the original seller a violation of the Sellers of Travel Act in certain circumstances; creating s. 817.357, F.S.; providing that purchasing tickets in excess of a specified amount with the intent to resell those tickets is a violation of the Florida Deceptive and Unfair Trade Practices Act; providing a definition; amending s. 817.36, F.S.; prohibiting resale of tickets for more than $1 above the resale admission price charged therefor by the original seller in specified circumstances; providing that the section does not authorize any individual or entity to sell or purchase tickets at any price on property where an event is being held without the prior express written consent of the owner of the property; providing for sales tax collection on ticket resales; providing an effective date.

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

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

HB 1015—A bill to be entitled An act relating to agricultural economic development; amending s. 70.001, F.S.; providing a deadline for an owner of agricultural land to present a claim prior to filing an action against a governmental entity regarding private property rights; amending s. 163.3162, F.S.; providing for application for an amendment to the local government comprehensive plan by the owner of land that meets certain provisions of the definition of an agricultural enclave; providing requirements relating to such applications; exempting certain amendments from specified rules of the Department of Community Affairs under certain circumstances; amending s. 163.3164, F.S.; defining the term "agricultural enclave" for purposes of the Local Government Comprehensive Planning and Land Development Regulation Act; creating s. 259.047, F.S.; providing requirements relating to the purchase of land on which an agricultural lease exists; amending s. 373.0361, F.S.; providing for recognition that alternative water supply development options for agricultural self-suppliers are limited; amending s. 373.2234, F.S.; conforming a cross-reference; amending s. 373.236, F.S.; requiring water management districts to inform landowners of the option to obtain certain consumptive use permits; creating s. 373.407, F.S.; providing for memoranda of agreement regarding qualification for agricultural-related exemptions; providing an effective date.

The State Resources Council recommended the following:

HB 1015 CS—A bill to be entitled An act relating to agricultural economic development; amending s. 70.001, F.S.; providing a deadline for an owner of agricultural land to present a claim prior to filing an action against a governmental entity regarding private property rights; amending s. 163.3162, F.S.; providing for application for an amendment to the local government comprehensive plan by the owner of land that meets certain provisions of the definition of an agricultural enclave; providing requirements relating to such applications; exempting certain amendments from specified rules of the Department of Community Affairs under certain circumstances; amending s. 163.3164, F.S.; defining the term "agricultural enclave" for purposes of the Local Government Comprehensive Planning and Land Development Regulation Act; creating s. 259.047, F.S.; providing requirements relating to the purchase of land on which an agricultural lease exists; amending s. 373.0361, F.S.; providing for recognition that alternative water supply development options for agricultural self-suppliers are limited; amending s. 373.2234, F.S.; conforming a cross-reference; amending s. 373.236, F.S.; requiring water management districts to inform landowners of the option to obtain certain consumptive use permits; creating s. 373.407, F.S.; providing for memoranda of agreement regarding qualification for agricultural-related exemptions; providing an effective date.

—was read the second time by title.

Representative(s) Pickens offered the following:

(Amendment Bar Code: 452599)

Amendment 1—Remove line(s) 203-204 and insert:

(c) Excluding any portion of the property perimeter, not to exceed 40 percent, that is contiguous to lands owned by any federal, state, regional, or local government or quasi-governmental entity, is surrounded on at least 75 percent of its perimeter by:

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

Representative(s) Pickens offered the following:

(Amendment Bar Code: 435721)

Amendment 2—Remove line(s) 220-223 and insert:

(e) Does not exceed 1,280 acres; however, if the property is surrounded by existing or authorized residential development that will result in a density at buildout of at least 1,000 residents per square mile, or is within an area for which the state land planning agency has previously authorized the preparation of an option sector plan pursuant to s. 163.3245, then the area shall be determined to

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

On motion by Rep. Mayfield, by the required two-thirds vote, the House agreed to consider the following late-filed amendment.

Representative(s) Mayfield offered the following:

(Amendment Bar Code: 488915)

Amendment 3 (with title amendment)—Between line(s) 224 and 225, insert:

Section 4. Paragraph (f) is added to subsection (6) of section 163.3187, Florida Statutes, to read:

163.3187 Amendment of adopted comprehensive plan.--

(6)

(f) A plan amendment that designates privately owned lands exclusively for public recreational facilities, open space, or a public need or service shall be deemed to create an inordinate burden pursuant to s. 70.001 if adopted without the written consent of the landowner.

======== T I T L E A M E N D M E N T ========

Remove line(s) 20 and insert:

Development Regulation Act; amending s. 163.3187, F.S.; specifying that certain amendments to a comprehensive plan shall be deemed to create an inordinate burden if adopted without certain consent; creating s. 259.047, F.S.;

Rep. Mayfield moved the adoption of the amendment.

Point of Order

Rep. Gannon raised a point of order, under Rule 12.8, that the amendment was not germane.

THE SPEAKER IN THE CHAIR

The Chair [Speaker Bense] referred the point to Rep. Goodlette, Chair of the Rules & Calendar Council for a recommendation. Pending a ruling, further consideration of the bill, with pending amendment, was temporarily postponed.

HB 7163—A bill to be entitled An act relating to environmental permitting; amending s. 373.414, F.S.; limiting local government authority to prohibit mitigation of certain wetlands activities; prohibiting certain local government resource permitting in the Northwest Florida Water Management District; reenacting and amending s. 373.4145, F.S.; requiring the district and the Department of Environmental Protection to jointly develop rules for the regulation of certain activities related to stormwater management systems and the management and storage of surface waters; requiring the district and the department to streamline federal and state wetland permitting programs and to implement such measures; requiring certain exemptions and provisions for rules relating to certain dwellings; requiring the department and district to incorporate certain exemptions and general permits in joint rules; exempting certain activities and structures from permitting requirements; requiring the department and the district to enter into an operating agreement for the implementation of certain provisions; requiring the district to be responsible for the regulation and local delegation of certain activities; providing for continuing operation of certain earlier law; repealing certain provisions upon the adoption of rules; providing effect for failure to fund in any given fiscal year; providing an appropriation for operational expenses of the district; repealing s. 4 of ch. 2005-273, Laws of Florida, and s. 32 of ch. 2005-71, Laws of Florida, which specified dates certain for the repeal of certain provisions relating to permitting in the district; providing an effective date.

The State Resources Council recommended the following:

HB 7163 CS—A bill to be entitled An act relating to environmental permitting; reenacting and amending s. 373.4145, F.S.; requiring the Northwest Florida Water Management District and the Department of Environmental Protection to jointly develop rules for the regulation of certain activities related to stormwater management systems and the management and storage of surface waters; requiring the district and the department to streamline federal and state wetland permitting programs and to implement such measures; requiring certain exemptions and provisions for rules relating to certain dwellings; requiring the department and district to incorporate certain exemptions and general permits in joint rules; exempting certain activities and structures from permitting requirements; requiring the department and the district to enter into an operating agreement for the implementation of certain provisions; requiring the district to be responsible for the regulation and local delegation of certain activities; providing for continuing operation of certain earlier law; repealing certain provisions upon the adoption of rules; providing effect for failure to fund in any given fiscal year; requiring the department to negotiate with local governments in the district by a certain date for delegation of responsibility for certain permitting; requiring the department to report to the Legislature by a certain date; providing an appropriation for operational expenses of the district; repealing s. 4 of ch. 2005-273, Laws of Florida, and s. 32 of ch. 2005-71, Laws of Florida, which specified dates certain for the repeal of certain provisions relating to permitting in the district; providing an effective date.

—was read the second time by title.

Representative Poppell offered the following:

(Amendment Bar Code: 878325)

Amendment 1 (with title amendment)—Between lines 290 and 291 insert:

Section 5. No authority granted by this act shall limit or restrict the protections from duplication contained in ss. 163.3162 or 823.13, Florida Statutes.

======== T I T L E A M E N D M E N T ========

Remove lines 36 and 37 and insert:

relating to permitting in the district; prohibiting limitation or restriction on the protections from duplication contained in certain provisions of law; providing an effective date.

Rep. Poppell moved the adoption of the amendment.

Representative Poppell offered the following:

(Amendment Bar Code: 898707)

Amendment 1 to Amendment 1—Remove lines 6 and 7 and insert:

restrict the protections from duplication contained in s. 163.3162 or s. 823.14, Florida Statutes.

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

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

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

HB 329—A bill to be entitled An act relating to adult protective services; amending s. 415.102, F.S.; redefining the terms "abuse" and "neglect"; amending s. 415.1051, F.S.; providing that the Department of Children and Family Services may petition the court for an order authorizing protective services for a vulnerable adult in need of services; providing an effective date.

The Civil Justice Committee recommended the following:

HB 329 CS—A bill to be entitled An act relating to adult protective services; amending s. 415.102, F.S.; redefining the term "abuse" to include actions by a relative or a household member which are likely to harm a vulnerable adult; redefining the term "neglect" to include actions of a vulnerable adult against himself or herself; amending s. 415.1051, F.S.; providing for the Department of Children and Family Services to petition the court for an order authorizing the provision of protective services for a vulnerable adult in need of services; amending s. 415.107, F.S.; authorizing

the Agency for Persons with Disabilities to have access to certain otherwise confidential records and reports; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

HB 371—A bill to be entitled An act relating to the Cancer Drug Donation Program; creating s. 381.94, F.S.; providing a short title; creating the Cancer Drug Donation Program; providing a purpose; providing definitions; providing conditions for donation of cancer drugs and supplies to the program; providing conditions for the acceptance of cancer drugs and supplies into the program, inspection of cancer drugs and supplies, and dispensation of cancer drugs and supplies to eligible patients; requiring a physician's office, pharmacy, hospital, hospice, or health care clinic that accepts donated drugs and supplies through the program to comply with certain state and federal laws; authorizing a participating physician's office, pharmacy, hospital, hospice, or health care clinic to charge fees under certain conditions; requiring the Department of Health, upon recommendation of the Board of Pharmacy, to adopt certain rules; providing for the ineligibility of certain persons to receive donated drugs; requiring the department to establish and maintain a participant registry; providing for the contents and availability of the participant registry; providing immunity from civil and criminal liability for donors, program participants, or pharmaceutical manufacturers in certain circumstances; providing an effective date.

The Health & Families Council recommended the following:

HB 371 CS—A bill to be entitled An act relating to the Cancer Drug Donation Program; creating s. 499.029, F.S.; providing a short title; creating the Cancer Drug Donation Program; providing a purpose; providing definitions; providing conditions for the donation of cancer drugs and supplies to the program; providing conditions for the acceptance of cancer drugs and supplies into the program, inspection of cancer drugs and supplies, and dispensing of cancer drugs and supplies to eligible patients; requiring a participant facility that accepts donated drugs and supplies through the program to comply with certain state and federal laws; authorizing a participant facility to charge fees under certain conditions; requiring the Department of Health, upon recommendation of the Board of Pharmacy, to adopt certain rules; providing for the ineligibility of certain persons to receive donated drugs; requiring the department to establish and maintain a participant facility registry; providing for the contents and availability of the participant facility registry; providing immunity from civil and criminal liability for donors or pharmaceutical manufacturers in certain circumstances; providing that in the event of conflict between the provisions in s. 499.029, F.S., and provisions in ch. 465 or ch. 499, F.S., the provisions in s. 499.029, F.S., shall control; providing an appropriation; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

HB 7153—A bill to be entitled An act relating to financial entities and transactions; amending s. 494.001, F.S.; defining the term "control person"; amending s. 494.0011, F.S.; authorizing the Financial Services Commission to require electronic submission of forms, documents, or fees; providing a limitation; authorizing the commission to adopt rules accommodating a technological or financial hardship; requiring that a grant or denial of a license be in accordance with ch. 120, F.S.; amending s. 494.0016, F.S.; authorizing the commission to prescribe requirements for destroying books, accounts, records, and documents; amending s. 494.0029, F.S.; requiring that certain entities who offer or conduct mortgage business training obtain a permit; providing requirements and procedures for obtaining a permit; specifying that permits are not transferable or assignable; providing for expiration and recertification of permits; authorizing permit fees; requiring that curriculum, training, and training materials be available for inspection; requiring electronic notification to the office of persons who have successfully completed certain education requirements; requiring the commission to adopt rules; amending s. 494.00295, F.S.; revising professional education provisions to apply to continuing education; providing requirements; waiving such requirements for license renewals for certain persons under certain circumstances; amending s. 494.003, F.S.; revising the list of entities exempt from certain mortgage broker licensure requirements; amending s. 494.0031, F.S.; requiring licensure of mortgage brokerage businesses; revising requirements and procedures for issuing licenses; providing duties and authority of the commission and office; providing duties of the Department of Law Enforcement; specifying that certain licenses are not transferable or assignable; revising the grounds on which a license may be denied; deleting certain provisions relating to cancellation and reinstatement of licenses; amending s. 494.0032, F.S.; requiring renewal of branch office licenses with renewal of mortgage brokerage business licenses; amending s. 494.0033, F.S.; revising mortgage broker licensure requirements and procedures; authorizing the commission to prescribe additional testing fees; authorizing the commission to waive certain examination requirements under specified circumstances; providing duties and authority of the commission and office; providing duties of the Department of Law Enforcement; deleting provisions relating to cancellation and reinstatement of licenses; amending s. 494.0036, F.S.; revising mortgage brokerage business branch office licensure requirements and procedures; deleting a requirement for displaying licenses; amending s. 494.0039, F.S.; deleting mortgage brokerage business change of address reporting and license display requirements; amending s. 494.004, F.S.; revising mortgage broker licensee requirements; providing requirements for acquiring a controlling interest in a licensee; providing a definition; providing duties and authority of the commission; authorizing the office to bring an administrative action under certain circumstances; amending s. 494.0041, F.S.; specifying additional grounds for taking disciplinary action; amending s. 494.006, F.S.; revising the list of entities exempt from mortgage lender licensure requirements; amending s. 494.0061, F.S.; requiring the licensure of mortgage lenders; revising mortgage lender license requirements and procedures; providing duties and authority of the commission and office; providing duties of the Department of Law Enforcement; providing for commission rules; revising provisions governing grounds for imposing discipline; deleting certain provisions relating to cancellation and reinstatement of licenses; authorizing the commission to prescribe additional testing fees; revising provisions governing principal representatives; amending s. 494.0062, F.S.; requiring licensure of correspondent mortgage lenders; revising correspondent mortgage lender license requirements and procedures; providing duties and authority of the commission and office; providing duties of the Department of Law Enforcement; providing educational requirements for principal representatives; revising grounds for disciplinary action; deleting certain provisions relating to cancellation and reinstatement of licenses; authorizing the commission to prescribe additional testing fees; providing for commission rules; amending s. 494.0064, F.S.; revising mortgage lender branch office licensee professional continuing education requirements; amending s. 494.0065, F.S.; revising saving clause requirements and procedures; revising the duties and authority of the office and commission; providing duties of the Department of Law Enforcement; providing for commission rules; providing requirements for education and testing for certain principal representatives and for transfer applications; authorizing the commission to prescribe additional testing fees; revising provisions governing the denial of transfers; providing personal representative designation requirements; amending s. 494.0066, F.S.; revising branch office licensure requirements; providing for commission rules; amending s. 494.0067, F.S.; deleting a license display requirement; providing information reporting requirements; providing requirements for acquiring a controlling interest in a licensee; providing a definition; providing duties and authority of the commission; authorizing the office to bring an administrative action under certain circumstances; revising professional continuing education requirements; amending s. 494.0072, F.S.; providing additional grounds for taking disciplinary action; amending s. 494.00721, F.S.; conforming cross-references; amending s. 501.137, F.S.; providing mortgage lender liability for attorney's fees and costs for certain violations; amending s. 516.01, F.S.; defining the term "control person"; amending s. 516.03, F.S.; revising requirements and procedures for issuing consumer finance loan licenses; specifying certain fees as nonrefundable; authorizing the commission to adopt rules; revising certain fee requirements; providing for technological or financial hardship exemptions under certain

circumstances; amending s. 516.031, F.S.; increasing a reimbursement charge for certain investigation costs; amending s. 516.05, F.S.; revising investigation procedures; deleting provisions relating to certain fees for licenses that have been denied; providing licensee information reporting requirements; providing requirements for acquiring a controlling interest in a licensee; providing a definition; providing duties and authority of the commission and office; providing for commission rules; authorizing the office to bring an administrative action under certain circumstances; deleting provisions authorizing the office to grant temporary licenses; amending s. 516.07, F.S.; providing an additional ground for taking disciplinary action; repealing s. 516.08, F.S., relating to requirements for posting a license; amending s. 516.12, F.S.; authorizing the commission to adopt rules specifying the minimum information to be shown in a licensee's books, accounts, records, and documents and the requirements for destroying a licensee's books, accounts, records, and documents; amending s. 516.19, F.S.; correcting cross-references; amending s. 517.021, F.S.; redefining the term "branch office"; authorizing the commission to adopt rules; amending s. 517.051, F.S.; revising required accounting principles; amending s. 517.061, F.S.; revising a provision governing exempt transactions; amending s. 517.081, F.S.; revising required accounting principles; amending s. 517.12, F.S.; revising requirements and procedures for registration of dealers, associated persons, investment advisers, and branch offices; revising duties and authority of the commission and office; providing for commission rules; providing duties of the Department of Law Enforcement; revising requirements, procedures, and exemptions relating to activities of Canadian dealers and associated persons; providing for certain fees; providing that certain fees are nonrefundable; providing for the collection of fees; amending s. 517.131, F.S.; revising criteria under which recovery can be made from the Securities Guaranty Fund; authorizing the commission to adopt rules; amending s. 517.141, F.S.; revising requirements for claimant reimbursements to the fund; authorizing the commission to adopt rules; amending s. 517.161, F.S.; revising a ground for a registration adverse action; providing an additional ground; amending ss. 520.02, 520.31, and 520.61, F.S.; defining the term "control person"; amending ss. 520.03, 520.32, 520.52, and 520.63, F.S.; revising requirements and procedures for licensing motor vehicle retail installment sellers, retail installment transaction retail sellers, sales finance companies, and home improvement finance sellers; revising duties and authority of the commission and office; specifying certain fees as nonrefundable; amending s. 520.994, F.S.; revising commission authority to adopt rules to include electronic submissions; providing for accommodating a technological or financial hardship; amending s. 520.995, F.S.; providing an additional ground for taking disciplinary action; revising a provision applying disciplinary actions to certain persons; amending s. 520.997, F.S.; revising commission authority to adopt rules relating to a licensee's books, accounts, records, and documents; creating s. 520.999, F.S.; providing additional requirements of licensees in sales and finance; authorizing the office to bring an administrative action under certain circumstances; authorizing the commission to adopt rules; amending s. 537.009, F.S., relating to the Florida Title Loan Act; revising provisions relating to a licensee's books, accounts, records, and documents; amending s. 559.9232, F.S.; correcting cross-references; amending s. 560.105, F.S., relating to the Money Transmitters' Code; authorizing the commission to adopt rules for electronic submission of money transmitter licensee forms, documents, or fees; providing for exemptions due to technological or financial hardship; amending s. 560.114, F.S.; providing an additional ground for taking disciplinary action; amending s. 560.121, F.S.; authorizing the commission to adopt rules relating to a licensee's books, accounts, records, and documents; amending s. 560.126, F.S.; revising information reporting requirements; providing requirements for acquiring a controlling interest; authorizing the office to bring an administrative action under certain circumstances; authorizing the commission to adopt rules; amending s. 560.127, F.S.; revising criteria for determining control over a money transmitter; deleting provisions regulating the acquisition or purchase of a money transmitter; amending s. 560.205, F.S.; revising requirements and procedures for registering money transmitters; revising duties of the commission and office; providing duties of the Department of Law Enforcement; amending s. 560.207, F.S.; revising requirements and procedures for renewing a registration; authorizing the commission to adopt rules; providing that specified fees are nonrefundable; providing conditions for reinstating a registration; providing an additional fee; providing for expiration of registration; amending s. 560.210, F.S.; revising required accounting principles; amending s. 560.211, F.S.; revising certain recordkeeping requirements; amending s. 560.305, F.S., relating to the Check Cashing and Foreign Currency Exchange Act; revising requirements and procedures for registration; amending s. 560.306, F.S.; revising fingerprinting requirements and procedures; providing duties of the office and Department of Law Enforcement; amending s. 560.308, F.S.; revising requirements for renewal of registration; providing for expiration of registration; providing that specified fees are nonrefundable; providing conditions for reinstatement of a registration; amending s. 560.310, F.S.; revising certain recordkeeping requirements; amending s. 560.403, F.S.; revising requirements for registration renewal notices of intent; providing that specified fees are nonrefundable; providing conditions for reinstatement of a notice of intent; amending s. 655.935, F.S.; authorizing the search of a safe-deposit box co-leased by a decedent; providing construction; amending s. 655.936, F.S.; providing for the delivery of a safe-deposit box to a court-appointed personal representative; amending s. 655.937, F.S.; revising provisions for access to safe-deposit boxes; providing a penalty; amending s. 733.6065, F.S.; revising provisions relating to the initial opening of certain safe-deposit boxes; providing an appropriation; providing an effective date.

The Commerce Council recommended the following:

HB 7153 CS—A bill to be entitled An act relating to financial entities and transactions; amending s. 494.001, F.S.; defining the term "control person"; amending s. 494.0011, F.S.; authorizing the Financial Services Commission to require electronic submission of forms, documents, or fees; providing a limitation; authorizing the commission to adopt rules accommodating a technological or financial hardship; requiring that a grant or denial of a license be in accordance with ch. 120, F.S.; amending s. 494.0016, F.S.; authorizing the commission to prescribe requirements for destroying books, accounts, records, and documents; amending s. 494.0029, F.S.; requiring that certain entities who offer or conduct mortgage business training obtain a permit; providing requirements and procedures for obtaining a permit; specifying that permits are not transferable or assignable; providing for expiration and recertification of permits; authorizing permit fees; requiring that curriculum, training, and training materials be available for inspection; requiring electronic notification to the office of persons who have successfully completed certain education requirements; requiring the commission to adopt rules; amending s. 494.00295, F.S.; revising professional education provisions to apply to continuing education; providing requirements; waiving such requirements for license renewals for certain persons under certain circumstances; amending s. 494.003, F.S.; revising the list of entities exempt from certain mortgage broker licensure requirements; amending s. 494.0031, F.S.; requiring licensure of mortgage brokerage businesses; revising requirements and procedures for issuing licenses; providing duties and authority of the commission and office; providing duties of the Department of Law Enforcement; specifying that certain licenses are not transferable or assignable; revising the grounds on which a license may be denied; deleting certain provisions relating to cancellation and reinstatement of licenses; amending s. 494.0032, F.S.; requiring renewal of branch office licenses with renewal of mortgage brokerage business licenses; amending s. 494.0033, F.S.; revising mortgage broker licensure requirements and procedures; authorizing the commission to prescribe additional testing fees; authorizing the commission to waive certain examination requirements under specified circumstances; providing duties and authority of the commission and office; providing duties of the Department of Law Enforcement; deleting provisions relating to cancellation and reinstatement of licenses; amending s. 494.0036, F.S.; revising mortgage brokerage business branch office licensure requirements and procedures; deleting a requirement for displaying licenses; amending s. 494.0039, F.S.; deleting mortgage brokerage business change of address reporting and license display requirements; amending s. 494.004, F.S.; revising mortgage broker licensee requirements; providing requirements for acquiring a controlling interest in a licensee; providing a definition; providing

duties and authority of the commission; authorizing the office to bring an administrative action under certain circumstances; amending s. 494.0041, F.S.; specifying additional grounds for taking disciplinary action; amending s. 494.006, F.S.; revising the list of entities exempt from mortgage lender licensure requirements; amending s. 494.0061, F.S.; requiring the licensure of mortgage lenders; revising mortgage lender license requirements and procedures; providing duties and authority of the commission and office; providing duties of the Department of Law Enforcement; providing for commission rules; revising provisions governing grounds for imposing discipline; deleting certain provisions relating to cancellation and reinstatement of licenses; authorizing the commission to prescribe additional testing fees; revising provisions governing principal representatives; amending s. 494.0062, F.S.; requiring licensure of correspondent mortgage lenders; revising correspondent mortgage lender license requirements and procedures; providing duties and authority of the commission and office; providing duties of the Department of Law Enforcement; providing educational requirements for principal representatives; revising grounds for disciplinary action; deleting certain provisions relating to cancellation and reinstatement of licenses; authorizing the commission to prescribe additional testing fees; providing for commission rules; amending s. 494.0064, F.S.; revising mortgage lender branch office licensee professional continuing education requirements; amending s. 494.0065, F.S.; revising saving clause requirements and procedures; revising the duties and authority of the office and commission; providing duties of the Department of Law Enforcement; providing for commission rules; providing requirements for education and testing for certain principal representatives and for transfer applications; authorizing the commission to prescribe additional testing fees; revising provisions governing the denial of transfers; providing personal representative designation requirements; amending s. 494.0066, F.S.; revising branch office licensure requirements; providing for commission rules; amending s. 494.0067, F.S.; deleting a license display requirement; providing information reporting requirements; providing requirements for acquiring a controlling interest in a licensee; providing a definition; providing duties and authority of the commission; authorizing the office to bring an administrative action under certain circumstances; revising professional continuing education requirements; amending s. 494.0072, F.S.; providing additional grounds for taking disciplinary action; amending s. 494.00721, F.S.; conforming cross-references; amending s. 501.137, F.S.; providing mortgage lender liability for attorney's fees and costs for certain violations; amending s. 516.01, F.S.; defining the term "control person"; amending s. 516.03, F.S.; revising requirements and procedures for issuing consumer finance loan licenses; specifying certain fees as nonrefundable; authorizing the commission to adopt rules; revising certain fee requirements; providing for technological or financial hardship exemptions under certain circumstances; amending s. 516.031, F.S.; increasing a reimbursement charge for certain investigation costs; amending s. 516.05, F.S.; revising investigation procedures; deleting provisions relating to certain fees for licenses that have been denied; providing licensee information reporting requirements; providing requirements for acquiring a controlling interest in a licensee; providing a definition; providing duties and authority of the commission and office; providing for commission rules; authorizing the office to bring an administrative action under certain circumstances; deleting provisions authorizing the office to grant temporary licenses; amending s. 516.07, F.S.; providing an additional ground for taking disciplinary action; repealing s. 516.08, F.S., relating to requirements for posting a license; amending s. 516.12, F.S.; authorizing the commission to adopt rules specifying the minimum information to be shown in a licensee's books, accounts, records, and documents and the requirements for destroying a licensee's books, accounts, records, and documents; amending s. 516.19, F.S.; correcting cross-references; amending s. 517.021, F.S.; redefining the term "branch office"; authorizing the commission to adopt rules; amending s. 517.051, F.S.; revising required accounting principles; amending s. 517.061, F.S.; revising a provision governing exempt transactions; amending s. 517.081, F.S.; revising required accounting principles; amending s. 517.12, F.S.; revising requirements and procedures for registration of dealers, associated persons, investment advisers, and branch offices; revising duties and authority of the commission and office; providing for commission rules; providing duties of the Department of Law Enforcement; revising requirements, procedures, and exemptions relating to activities of Canadian dealers and associated persons; providing for certain fees; providing that certain fees are nonrefundable; providing for the collection of fees; amending s. 517.131, F.S.; revising criteria under which recovery can be made from the Securities Guaranty Fund; authorizing the commission to adopt rules; amending s. 517.141, F.S.; revising requirements for claimant reimbursements to the fund; authorizing the commission to adopt rules; amending s. 517.161, F.S.; revising a ground for a registration adverse action; providing an additional ground; amending ss. 520.02, 520.31, and 520.61, F.S.; defining the term "control person"; amending ss. 520.03, 520.32, 520.52, and 520.63, F.S.; revising requirements and procedures for licensing motor vehicle retail installment sellers, retail installment transaction retail sellers, sales finance companies, and home improvement finance sellers; revising duties and authority of the commission and office; specifying certain fees as nonrefundable; amending s. 520.994, F.S.; revising commission authority to adopt rules to include electronic submissions; providing for accommodating a technological or financial hardship; amending s. 520.995, F.S.; providing an additional ground for taking disciplinary action; revising a provision applying disciplinary actions to certain persons; amending s. 520.997, F.S.; revising commission authority to adopt rules relating to a licensee's books, accounts, records, and documents; creating s. 520.999, F.S.; providing additional requirements of licensees in sales and finance; authorizing the office to bring an administrative action under certain circumstances; authorizing the commission to adopt rules; amending s. 537.009, F.S., relating to the Florida Title Loan Act; revising provisions relating to a licensee's books, accounts, records, and documents; amending s. 559.9232, F.S.; correcting cross-references; amending s. 560.105, F.S., relating to the Money Transmitters' Code; authorizing the commission to adopt rules for electronic submission of money transmitter licensee forms, documents, or fees; providing for exemptions due to technological or financial hardship; amending s. 560.114, F.S.; providing an additional ground for taking disciplinary action; amending s. 560.121, F.S.; authorizing the commission to adopt rules relating to a licensee's books, accounts, records, and documents; amending s. 560.126, F.S.; revising information reporting requirements; providing requirements for acquiring a controlling interest; authorizing the office to bring an administrative action under certain circumstances; authorizing the commission to adopt rules; amending s. 560.127, F.S.; revising criteria for determining control over a money transmitter; deleting provisions regulating the acquisition or purchase of a money transmitter; amending s. 560.205, F.S.; revising requirements and procedures for registering money transmitters; revising duties of the commission and office; providing duties of the Department of Law Enforcement; amending s. 560.207, F.S.; revising requirements and procedures for renewing a registration; authorizing the commission to adopt rules; providing that specified fees are nonrefundable; providing conditions for reinstating a registration; providing an additional fee; providing for expiration of registration; amending s. 560.210, F.S.; revising required accounting principles; amending s. 560.211, F.S.; revising certain recordkeeping requirements; amending s. 560.305, F.S., relating to the Check Cashing and Foreign Currency Exchange Act; revising requirements and procedures for registration; amending s. 560.306, F.S.; revising fingerprinting requirements and procedures; providing duties of the office and Department of Law Enforcement; amending s. 560.308, F.S.; revising requirements for renewal of registration; providing for expiration of registration; providing that specified fees are nonrefundable; providing conditions for reinstatement of a registration; amending s. 560.310, F.S.; revising certain recordkeeping requirements; amending s. 560.403, F.S.; revising requirements for registration renewal notices of intent; providing that specified fees are nonrefundable; providing conditions for reinstatement of a notice of intent; amending s. 655.935, F.S.; authorizing the search of a safe-deposit box co-leased by a decedent; providing construction; amending s. 655.936, F.S.; providing for the delivery of a safe-deposit box to a court-appointed personal representative; amending s. 655.937, F.S.; revising provisions for access to safe-deposit boxes; providing a penalty; amending s. 679.705, F.S.; extending the effective date of a financing statement filed under previous law; amending s. 733.6065, F.S.; revising provisions relating to the initial

opening of certain safe-deposit boxes; providing an appropriation; providing effective dates.

—was read the second time by title.

On motion by Rep. Brown, by the required two-thirds vote, the House agreed to consider the following late-filed amendment.

Representative Brown offered the following:

(Amendment Bar Code: 389483)

Amendment 1 (with title amendment)—Between lines 3516 and 3517, insert:

Section 67. Section 655.851, Florida Statutes, is created to read:

655.851 Unclaimed credit balances.--Credit balances of suspense accounts and credit balances only and exactly held by a financial institution, credit union, or participant as defined by 12 U.S.C. s. 4001(19), which result from the performance of or participation in check-clearing functions, whether pursuant to a contractual relationship between financial institutions, credit unions, or participants, through a clearinghouse as defined by s. 674.104, or through a clearinghouse association as defined by 12 U.S.C. s. 4001(8), are not subject to s. 717.117. This section is intended to be remedial in nature, is intended to clarify existing law, and shall apply to credit balances held before, on, or after July 1, 2006.

======== T I T L E A M E N D M E N T ========

Remove line 233 and insert:

intent; creating s. 655.851, F.S.; providing that credit balances that result from the performance of or participation in check-clearing functions are not subject to certain reporting requirements; amending s. 655.935, F.S.; authorizing the search

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

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

The House returned to consideration of **HB 371** for questions.

HB 371—A bill to be entitled An act relating to the Cancer Drug Donation Program; creating s. 499.029, F.S.; providing a short title; creating the Cancer Drug Donation Program; providing a purpose; providing definitions; providing conditions for the donation of cancer drugs and supplies to the program; providing conditions for the acceptance of cancer drugs and supplies into the program, inspection of cancer drugs and supplies, and dispensing of cancer drugs and supplies to eligible patients; requiring a participant facility that accepts donated drugs and supplies through the program to comply with certain state and federal laws; authorizing a participant facility to charge fees under certain conditions; requiring the Department of Health, upon recommendation of the Board of Pharmacy, to adopt certain rules; providing for the ineligibility of certain persons to receive donated drugs; requiring the department to establish and maintain a participant facility registry; providing for the contents and availability of the participant facility registry; providing immunity from civil and criminal liability for donors or pharmaceutical manufacturers in certain circumstances; providing that in the event of conflict between the provisions in s. 499.029, F.S., and provisions in ch. 465 or ch. 499, F.S., the provisions in s. 499.029, F.S., shall control; providing an appropriation; providing an effective date.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

HB 1015—A bill to be entitled An act relating to agricultural economic development; amending s. 70.001, F.S.; providing a deadline for an owner of agricultural land to present a claim prior to filing an action against a governmental entity regarding private property rights; amending s. 163.3162, F.S.; providing for application for an amendment to the local government comprehensive plan by the owner of land that meets certain provisions of the definition of an agricultural enclave; providing requirements relating to such applications; exempting certain amendments from specified rules of the Department of Community Affairs under certain circumstances; amending s. 163.3164, F.S.; defining the term "agricultural enclave" for purposes of the Local Government Comprehensive Planning and Land Development Regulation Act; creating s. 259.047, F.S.; providing requirements relating to the purchase of land on which an agricultural lease exists; amending s. 373.0361, F.S.; providing for recognition that alternative water supply development options for agricultural self-suppliers are limited; amending s. 373.2234, F.S.; conforming a cross-reference; amending s. 373.236, F.S.; requiring water management districts to inform landowners of the option to obtain certain consumptive use permits; creating s. 373.407, F.S.; providing for memoranda of agreement regarding qualification for agricultural-related exemptions; providing an effective date.

—was taken up, having been read the second time, and amended, earlier today; now pending on point of order by Rep. Gannon, under Rule 12.8, on **Amendment 3** by Rep. Mayfield.

Subsequently, **Amendment 3** was withdrawn.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

Remarks

The Speaker recognized Rep. Justice, who gave brief farewell remarks.

Motion to Adjourn

Rep. Rubio moved that the House adjourn for the purpose of receiving reports, holding council and committee meetings, and conducting other House business, to reconvene at 10:30 a.m., Tuesday, April 25, or upon call of the Chair. The motion was agreed to.

Votes After Roll Call

[Date(s) of Vote(s) and Sequence Number(s)]

Rep. Anderson:

Yeas—April 20: 806

Rep. Benson:

Yeas—April 20: 794

Rep. Berfield:

Yeas—April 20: 808; April 21: 821

Rep. Culp:

Yeas—April 21: 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828

Rep. Dean:

Yeas—April 5: 712; April 20: 808

Rep. Fields:

Yeas—April 21: 820

Rep. Sorensen:

Yeas—April 21: 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828

Cosponsors

HB 3—Holloway

HB 25—Allen, Homan, Hukill

HB 37—Kravitz

HB 47—McInvale

HB 93—Sands

HB 105—Kravitz

HB 111—Needelman

HB 113—Clarke

HB 127—Homan

HB 141—McInvale

HB 147—Adams

HB 187—Clarke, M. Davis, Homan

HB 255—Sobel

HB 285—Brummer

HB 329—Homan, Porth

HB 371—Homan

HB 373—Kendrick

HB 411—Holloway

HB 469—Hasner

HB 507—Sansom

HB 527—Clarke

HB 625—Brandenburg

HJR 631—Grimsley

HB 645—Benson, Roberson, Sobel, Vana, Zapata

HB 691—Clarke

HB 743—Sansom

HB 753—McInvale

HB 761—Bendross-Mindingall, Fields, Homan, Roberson, Williams

HB 779—Fields

HB 805—Henriquez

HB 813—Fields

HB 817—Hasner

HB 821—Sansom

HB 869—Roberson

HB 871—Bucher, Legg, Porth, Vana

HB 935—Murzin

HB 947—Hasner, Traviesa, Williams

HB 1009—Murzin

HB 1027—Waters

HB 1079—Sansom

HB 1167—Hays

HB 1171—Sansom

HB 1211—Sobel

HB 1321—Sansom

HB 1365—Fields

HB 1397—Carroll

HB 1417—Hasner

HB 1473—Traviesa

HB 1489—Brummer, Hukill

HB 1503—Sansom

HB 1567—Roberson

HR 1627—Brummer

HB 7103—Sansom

HB 7171—Sansom

HB 7173—Glorioso

HB 7259—Brummer, Homan

HR 9071—Goldstein

Withdrawals as Cosponsor

HB 1473—Justice

Introduction and Reference

By Representative Rivera—

HR 9113—A resolution designating April 25, 2006, as "Free Cuba Day" in Florida.

First reading by publication (Art. III, s. 7, Florida Constitution).

Reports of Councils and Standing Committees

Received April 21:

The Fiscal Council reported the following favorably:
HB 141

The above bill was placed on the Calendar of the House.

The Commerce Council reported the following favorably:
HB 217 with council substitute

The above bill was placed on the Calendar of the House, subject to review under Rule 6.3.

The Fiscal Council reported the following favorably:
HB 241

The above bill was transmitted to the next council or committee of reference, the Health & Families Council.

The Commerce Council reported the following favorably:

HB 247 with council substitute

The above bill was placed on the Calendar of the House, subject to review under Rule 6.3.

The Fiscal Council reported the following favorably:
HB 381

The above bill was transmitted to the next council or committee of reference, the State Administration Council.

The Fiscal Council reported the following favorably:
HB 421

The above bill was placed on the Calendar of the House.

The Justice Council reported the following favorably:
HB 469 with council substitute

The above bill was placed on the Calendar of the House, subject to review under Rule 6.3.

The Fiscal Council reported the following favorably:
HB 597

The above bill was transmitted to the next council or committee of reference, the State Administration Council.

The Health & Families Council reported the following favorably:
HB 645 with council substitute

The above bill was placed on the Calendar of the House, subject to review under Rule 6.3.

The State Infrastructure Council reported the following favorably:
HB 683 with council substitute

The above bill was placed on the Calendar of the House, subject to review under Rule 6.3.

The State Resources Council reported the following favorably:
HB 749 with council substitute

The above bill was placed on the Calendar of the House, subject to review under Rule 6.3.

The Fiscal Council reported the following favorably:
HB 753

The above bill was placed on the Calendar of the House.

The State Administration Council reported the following favorably:
HB 755

The above bill was placed on the Calendar of the House.

The Justice Council reported the following favorably:
HB 763 with council substitute

The above bill was placed on the Calendar of the House, subject to review under Rule 6.3.

The Justice Council reported the following favorably:
HB 841 with council substitute

The above bill was placed on the Calendar of the House, subject to review under Rule 6.3.

The Fiscal Council reported the following favorably:
HB 891

The above bill was placed on the Calendar of the House.

The Fiscal Council reported the following favorably:
HB 897

The above bill was transmitted to the next council or committee of reference, the State Administration Council.

The State Administration Council reported the following favorably:
HB 911

The above bill was placed on the Calendar of the House.

The State Infrastructure Council reported the following favorably:
HB 959

The above bill was placed on the Calendar of the House.

The Fiscal Council reported the following favorably:
HB 979

The above bill was placed on the Calendar of the House.

The Fiscal Council reported the following favorably:
HB 987

The above bill was placed on the Calendar of the House.

The State Infrastructure Council reported the following favorably:
HB 1049

The above bill was placed on the Calendar of the House.

The State Administration Council reported the following favorably:
HB 1097

The above bill was placed on the Calendar of the House.

The State Infrastructure Council reported the following favorably:
HB 1115

The above bill was placed on the Calendar of the House.

The State Infrastructure Council reported the following favorably:
HB 1117

The above bill was placed on the Calendar of the House.

The State Administration Council reported the following favorably:
HB 1161

The above bill was placed on the Calendar of the House.

The Fiscal Council reported the following favorably:
HB 1219

The above bill was placed on the Calendar of the House.

The Fiscal Council reported the following favorably:
HB 1245

The above bill was placed on the Calendar of the House.

The Fiscal Council reported the following favorably:
HB 1251

The above bill was transmitted to the next council or committee of reference, the State Administration Council.

The Fiscal Council reported the following favorably:
HB 1269

The above bill was placed on the Calendar of the House.

The Fiscal Council reported the following favorably:
HB 1311

The above bill was transmitted to the next council or committee of reference, the Commerce Council.

The Commerce Council reported the following favorably:
HB 1329 with council substitute

The above bill was placed on the Calendar of the House, subject to review under Rule 6.3.

The State Infrastructure Council reported the following favorably:
HB 1357

The above bill was placed on the Calendar of the House.

The State Administration Council reported the following favorably:
HB 1369

The above bill was placed on the Calendar of the House.

The Agriculture & Environment Appropriations Committee reported the following favorably:
HB 1459 with committee substitute

The above bill was transmitted to the next council or committee of reference, the State Resources Council, subject to review under Rule 6.3.

The Fiscal Council reported the following favorably:
HB 1471

The above bill was transmitted to the next council or committee of reference, the Commerce Council.

The Fiscal Council reported the following favorably:
HB 1473 with council substitute

The above bill was transmitted to the next council or committee of reference, the Commerce Council, subject to review under Rule 6.3.

The State Administration Council reported the following favorably:
HB 1563

The above bill was placed on the Calendar of the House.

The State Infrastructure Council reported the following favorably:
HB 1583 with council substitute

The above bill was placed on the Calendar of the House, subject to review under Rule 6.3.

The Fiscal Council reported the following favorably:
HB 1623

The above bill was transmitted to the next council or committee of reference, the Health & Families Council.

The Fiscal Council reported the following favorably:
HJR 7129

The above bill was transmitted to the next council or committee of reference, the State Resources Council.

The State Administration Council reported the following favorably:
HB 7155

The above bill was placed on the Calendar of the House.

The Fiscal Council reported the following favorably:
HB 7197

The above bill was placed on the Calendar of the House.

The Fiscal Council reported the following favorably:
HB 7207

The above bill was placed on the Calendar of the House.

The Fiscal Council reported the following favorably:
HB 7213

The above bill was placed on the Calendar of the House.

Received April 23:

The Health & Families Council reported the following favorably:
HB 715 with council substitute

The above bill was placed on the Calendar of the House, subject to review under Rule 6.3.

The Health & Families Council reported the following favorably:
HB 1231 with council substitute

The above bill was placed on the Calendar of the House, subject to review under Rule 6.3.

The Health & Families Council reported the following favorably:
HB 1319 with council substitute

The above bill was placed on the Calendar of the House, subject to review under Rule 6.3.

The Health & Families Council reported the following favorably:
HB 1365 with council substitute

The above bill was placed on the Calendar of the House, subject to review under Rule 6.3.

The Health & Families Council reported the following favorably:
HB 1409 with council substitute

The above bill was placed on the Calendar of the House, subject to review under Rule 6.3.

The Health & Families Council reported the following favorably:
HB 7139 with council substitute

The above bill was placed on the Calendar of the House, subject to review under Rule 6.3.

The Health & Families Council reported the following favorably:
HB 7203 with council substitute

The above bill was placed on the Calendar of the House, subject to review under Rule 6.3.

Received April 24:

The Fiscal Council reported the following favorably:
HB 29 with council substitute

The above bill was placed on the Calendar of the House, subject to review under Rule 6.3.

The Fiscal Council reported the following favorably:
HB 69 with council substitute

The above bill was placed on the Calendar of the House, subject to review under Rule 6.3.

The Education Council reported the following favorably:

HB 119

The above bill was placed on the Calendar of the House.

The Commerce Council reported the following favorably:
HB 161 with council substitute

The above bill was placed on the Calendar of the House, subject to review under Rule 6.3.

The State Resources Council reported the following favorably:
HB 229

The above bill was placed on the Calendar of the House.

The Fiscal Council reported the following favorably:
HB 237 with council substitute

The above bill was transmitted to the next council or committee of reference, the State Administration Council, subject to review under Rule 6.3.

The Fiscal Council reported the following favorably:
HJR 353 with council substitute

The above bill was placed on the Calendar of the House, subject to review under Rule 6.3.

The Education Council reported the following favorably:
HJR 447 with council substitute

The above bill was placed on the Calendar of the House, subject to review under Rule 6.3.

The State Resources Council reported the following favorably:
HB 471

The above bill was placed on the Calendar of the House.

The State Resources Council reported the following favorably:
HB 507

The above bill was placed on the Calendar of the House.

The Education Council reported the following favorably:
HB 665

The above bill was placed on the Calendar of the House.

The Fiscal Council reported the following favorably:
HB 857 with council substitute

The above bill was placed on the Calendar of the House, subject to review under Rule 6.3.

The State Administration Council reported the following favorably:
HB 995 with council substitute

The above bill was placed on the Calendar of the House, subject to review under Rule 6.3.

The Health & Families Council reported the following favorably:
HB 1033 with council substitute

The above bill was placed on the Calendar of the House, subject to review under Rule 6.3.

The State Administration Council reported the following favorably:
HB 1123 with council substitute

The above bill was placed on the Calendar of the House, subject to review under Rule 6.3.

The State Administration Council reported the following favorably:
HB 1125 with council substitute

The above bill was placed on the Calendar of the House, subject to review under Rule 6.3.

The State Administration Council reported the following favorably:
HB 1165 with council substitute

The above bill was placed on the Calendar of the House, subject to review under Rule 6.3.

The State Resources Council reported the following favorably:
HB 1347 with council substitute

The above bill was placed on the Calendar of the House, subject to review under Rule 6.3.

The Commerce Council reported the following favorably:
HB 1351 with council substitute

The above bill was placed on the Calendar of the House, subject to review under Rule 6.3.

The Commerce Council reported the following favorably:
HB 1361 with council substitute

The above bill was placed on the Calendar of the House, subject to review under Rule 6.3.

The Education Council reported the following favorably:
HB 1373 with council substitute

The above bill was placed on the Calendar of the House, subject to review under Rule 6.3.

The Fiscal Council reported the following favorably:
HB 1431 with council substitute

The above bill was transmitted to the next council or committee of reference, the State Infrastructure Council, subject to review under Rule 6.3.

The State Administration Council reported the following favorably:
HB 1435 with council substitute

The above bill was placed on the Calendar of the House, subject to review under Rule 6.3.

The State Administration Council reported the following favorably:
HB 1447 with council substitute

The above bill was placed on the Calendar of the House, subject to review under Rule 6.3.

The Education Council reported the following favorably:
HB 7097 with council substitute

The above bill was placed on the Calendar of the House, subject to review under Rule 6.3.

The Fiscal Council reported the following favorably:
HB 7109 with council substitute

The above bill was placed on the Calendar of the House, subject to review under Rule 6.3.

The State Resources Council reported the following favorably:
HB 7131

The above bill was placed on the Calendar of the House.

The State Infrastructure Council reported the following favorably:
HB 7167 with council substitute

The above bill was placed on the Calendar of the House, subject to review under Rule 6.3.

The Education Council reported the following favorably:
HB 7171 with council substitute

The above bill was placed on the Calendar of the House, subject to review under Rule 6.3.

The Fiscal Council reported the following favorably:
HB 7173 with council substitute

The above bill was transmitted to the next council or committee of reference, the Health & Families Council, subject to review under Rule 6.3.

The Fiscal Council reported the following favorably:
HB 7181 with council substitute

The above bill was placed on the Calendar of the House, subject to review under Rule 6.3.

The State Administration Council reported the following favorably:
HB 7185 with council substitute

The above bill was placed on the Calendar of the House, subject to review under Rule 6.3.

The Fiscal Council reported the following favorably:
HB 7189 with council substitute

The above bill was placed on the Calendar of the House, subject to review under Rule 6.3.

The Health & Families Council reported the following favorably:
HB 7217 with council substitute

The above bill was placed on the Calendar of the House, subject to review under Rule 6.3.

The State Administration Council reported the following favorably:
HB 7221 with council substitute

The above bill was placed on the Calendar of the House, subject to review under Rule 6.3.

The State Administration Council reported the following favorably:
HB 7223 with council substitute

The above bill was placed on the Calendar of the House, subject to review under Rule 6.3.

Enrolling Reports

HB 47 has been enrolled, signed by the required constitutional officers, and presented to the Governor on April 24.

John B. Phelps, Clerk

Communications

The Governor advised that he had filed in the Office of the Secretary of State the following bills which he approved:

April 24, 2006—HB 167 and HB 201

Excused

Rep. Cannon until 3:10 p.m.; Rep. Mealor until 3:13 p.m.; Rep. Sorensen until 2:38 p.m.

The following Conference Committee Managers were excused from time to time:

HB 5001 and related legislation (HB 5003, HB 5005, HB 5007, HB 5009, HB 5011, HB 5013, HB 5017, HB 5019, HB 5021, HB 5023, CS for SB 390, CS for SB 394, CS for SB 398, CS for SB 818, CS for SB 840, CS for SB 844, CS for SB 846, CS for SB 848): At Large—Rep. Negron (Chair), Rep. Mahon (Vice Chair), and Reps. Gardiner, Waters, Goodlette, Rubio, Bowen, Brummer, Simmons, Greenstein, Jennings, Seiler, Ryan, Sansom, and Zapata; Agriculture & Environment—Rep. Mayfield (Chair), and Reps. Brown, Littlefield, Hays, Poppell, Machek, Stansel, Kendrick (Alternate), Williams, Evers, and Allen; Education—Rep. Pickens (Chair), and Reps. Rivera, Attkisson, Baxley, Flores, Altman, Arza, Stargel, Vana, Bendross-Mindingall, Richardson, Justice (Alternate), Patterson, Coley, and Mealor; Health Care—Rep. Bean (Chair), and Reps. Benson, Cannon, Farkas, Galvano, Garcia, Murzin, Gannon, Sobel, Grimsley (Alternate), Roberson (Alternate), Grant, and Hukill; Criminal Justice—Rep. Barreiro (Chair), and Reps. Adams, Ambler, Needelman, Joyner, and Porth; Judiciary—Rep. Kottkamp (Chair), and Reps. Ross (Alternate), Planas, Gelber, and Quinones; State Administration—Rep. Berfield (Chair), and Reps. Carroll, Kreegel, Reagan, Lopez-Cantera (Alternate), A. Gibson (Alternate), Taylor, and Holloway; Transportation & Economic Development—Rep. D. Davis (Chair), and Reps. M. Davis, Kravitz, Llorente, Traviesa, Ausley, Cusack, McInvale (Alternate), and Bogdanoff.

Adjourned

Pursuant to the motion previously agreed to, the House adjourned at 4:55 p.m., to reconvene at 10:30 a.m., Tuesday, April 25, or upon call of the Chair.

Pages and Messengers
for the week of
April 24-28, 2006

Pages—Andrew Ashburn, Tallahassee; Zara Castany, Miami; Courtney E. Clubbs, Lynn Haven; Ian Hanchett, Brandon; Cecelia Marie Koon, Mayo; Matt Lemons, Brandon; Brianne Mack, Oakland Park; Molly McCain, Miami; Patrick McCain, Miami; Samuel R. Mills, Live Oak; Preston Moore, Dover; Jack Moyle, Tallahassee; Michael Naughton, Palm Coast; Alejandro Real, Miami; Charlene-Jade Service, Homestead; Samantha Stagray, Boca Raton; Deanna Susser, Hollywood; Taylor Webb, Crawfordville; Kathryn Westmark, Tallahassee.

Messengers—Tyler W. Avery, Titusville; Jaclin Castany, Miami; Christopher "Chris" Clubbs, Lynn Haven; C. James Conner, Jacksonville; Adrienne Donoho, Jacksonville; Chris Helton, Sopchoppy; Kyle Glendon King, Bushnell; Dustin Millar, Tallahassee; Amanda Monroe, Monticello; Franklin Logan Peters, DeFuniak Springs; Trey Steven Rousseau, Crestview; Ashley Taylor, Miramar; Morgan Tillia, Clearwater; Lauren Whitfield, Fernandina Beach; Matthew Curry Wilson, Tallahassee.